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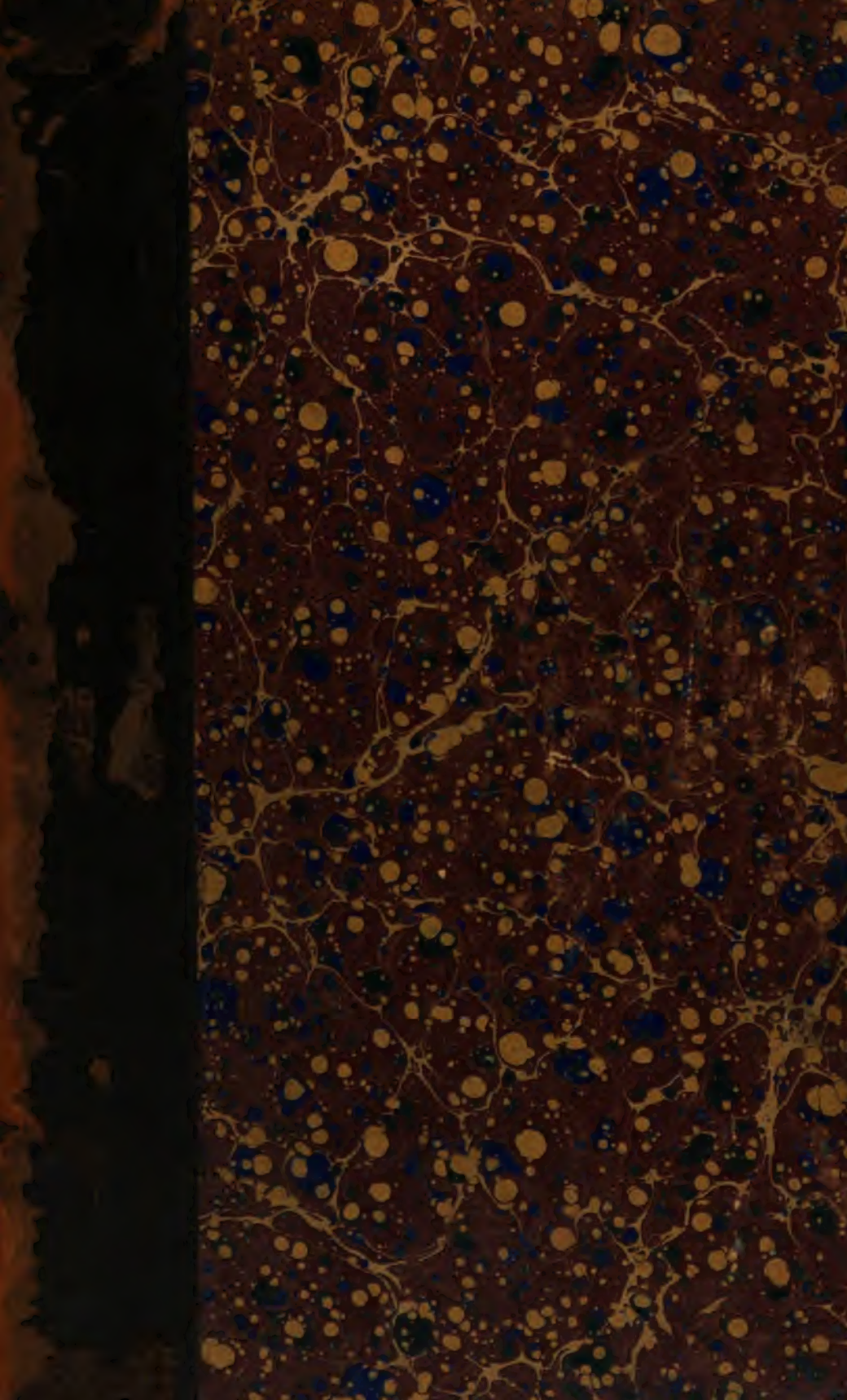
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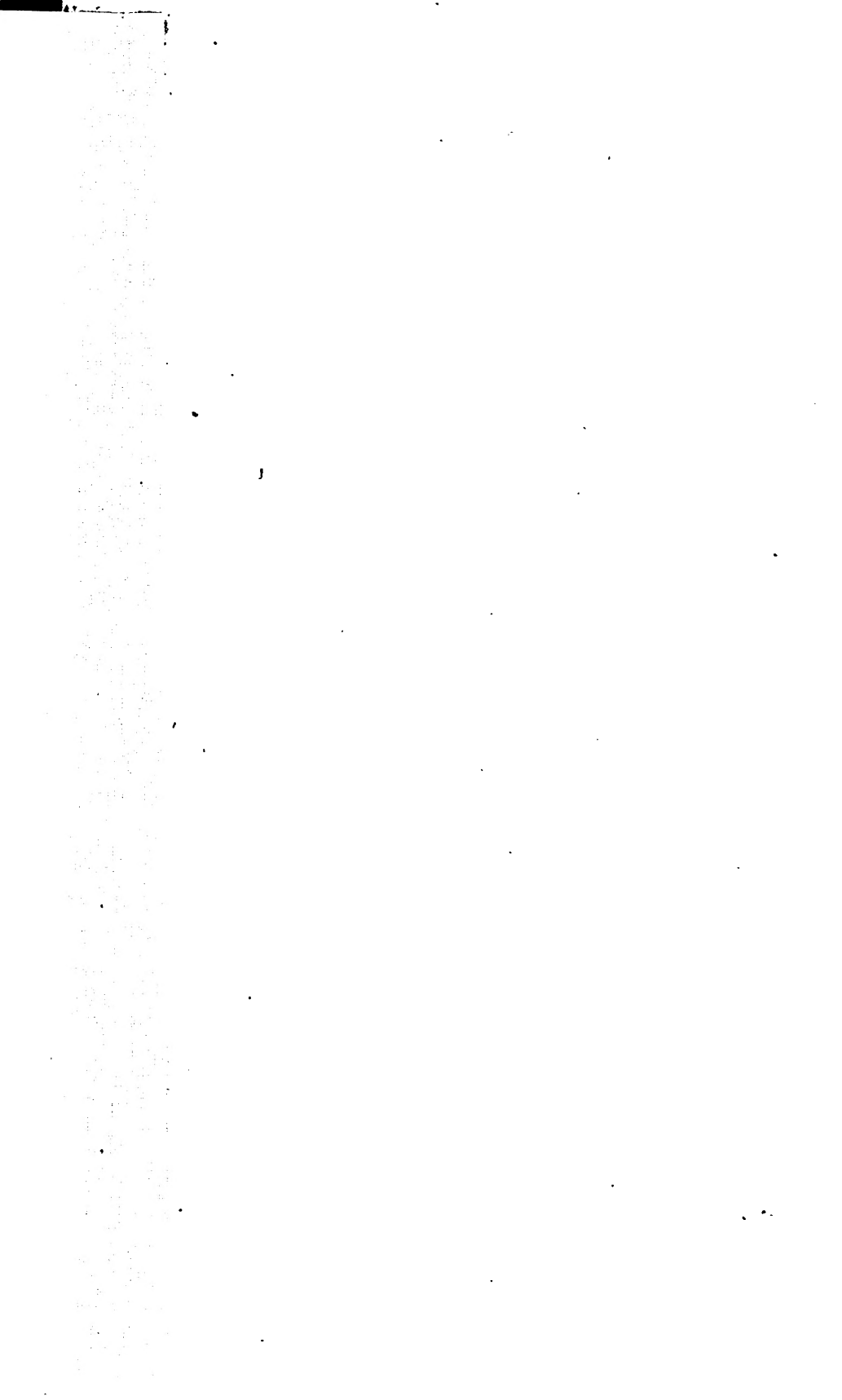
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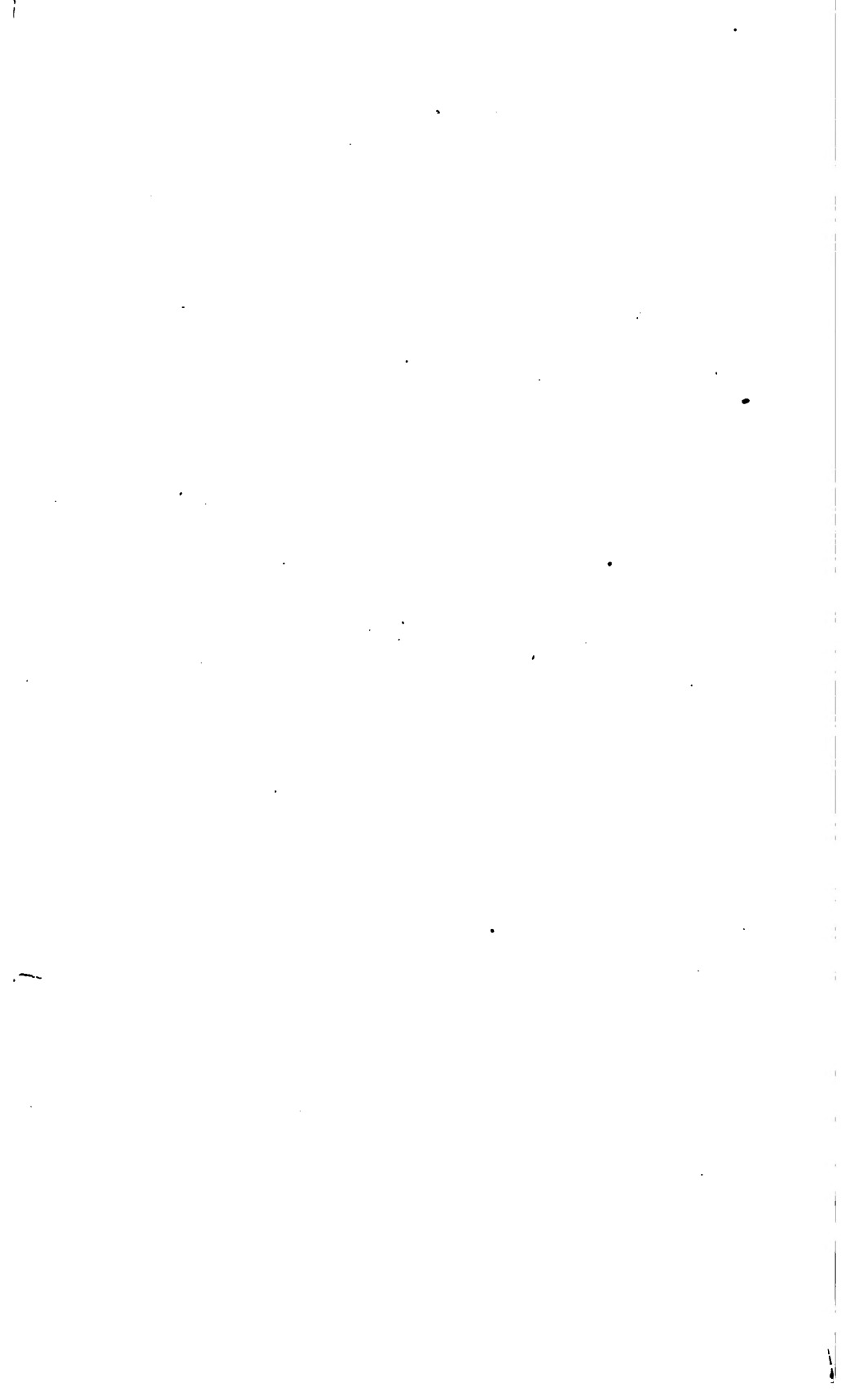
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EDITED BY
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PREFACE.

The Papers included in this number of the *Journal of Social Science*, are all the Saratoga Papers of 1883 which have been received from the authors in condition for printing. As some misapprehension may exist in regard to the publication of Papers by the Association, it may here be said that all Papers engaged for the General Meeting of the American Social Science Association, are so engaged with the understanding that they may be printed in the *Journal of Social Science*, if the Council so decide; if, therefore, the writers choose to publish their Papers elsewhere, (to which the Council offers no objection), it must be with the stipulation that these Papers may also be published in the *Journal*, at the option of the Council as to time of publication.

The absence of some of the Saratoga Papers of 1883, will be noticed; the Address of Rev. Dr. PATTISON, on *Free Thought in Politics*, and that of Mr. D. G. MITCHELL, on *Public Parks*, being withheld by the authors. A list of the Addresses and Papers at the Meeting of 1883, will be found on pages v. and vi., and the announcements for the meeting of next September, so far as can now be made, are on pages vii. and viii.

It has been thought best to print all the Papers of 1883 in one issue of the *Journal*, which accounts for the delay in issuing the present Number.

F. B. S.

CONCORD, April 28, 1884.

ORDER OF BUSINESS

AT THE

GENERAL MEETING OF 1888.

IN GENERAL SESSION.

Monday Evening, September 3d, 8, P. M., Opening Address of the President, Prof. WAYLAND.

Tuesday Evening, September 4th, 8, P. M., An Address on *The American Civil Service*, by J. M. GREGORY, LL. D., of Washington.

Wednesday Evening, September 5th, 8, P. M., Annual Report of the Secretary, and Election of Officers.

9, P. M., An Address by DONALD G. MITCHELL, Esq., of New Haven, on *Public Parks*.

Thursday Evening, September 6th, 8, P. M., An Address by Rev. T. HARWOOD PATTISON, D. D., of Rochester, N. Y., on *Free Thought in Politics*.

Friday Evening, September 7th, 8, P. M., A Debate on *Labor in Prisons*, in which Mr. C. A. IVES, Prof. WAYLAND, Mr. Z. R. BROCKWAY, and others took part.

DEPARTMENT MEETINGS.

Tuesday, September 4th.

DEPARTMENT OF EDUCATION.

9.30, A. M., An Address by the Chairman, W. T. HARRIS, LL. D., of Concord, Mass., on *Moral Education in Schools*.

10, A. M., A Paper on *New Methods of Study in History*, by Prof. HERBERT B. ADAMS, of Baltimore, Md.

11, A. M., A Paper by W. CAVE THOMAS, of London, Eng., on *The True Higher Education*.

11.30, A. M., A Paper on *Public Libraries*, by J. N. LARNED, Esq., of Buffalo, N. Y.

12, M., A Paper on *Physical Training in Homes and Training Schools*, by Dr. D. A. SARGENT, of Cambridge, Mass.

Wednesday, September 5th.

DEPARTMENT OF HEALTH.

9.30, A. M., An Address by the Chairman, Dr. E. M. HUNT, of Trenton, N. J., on *Health and Social Science*.

10.30, A. M., A Paper by GEORGE E. WARING, JR., Esq., of Newport, R. I., on *House Construction with Reference to Plumbing and Drainage*.

11, A. M., A Paper by Dr. T. D. CROTHERS, of Hartford, Conn., on *Inebriety*; followed by a Debate.

12, M., A Paper on *Inebriety in Women*, by LUCY M. HALL, M. D.

1, P. M., A Paper by Dr. WALTER CHANNING, of Boston, on *The Causes of Insanity*.

Thursday, September 6th.

DEPARTMENT OF JURISPRUDENCE.

9.30, A. M., An Address by the Chairman, Prof. FRANCIS WAYLAND.

10, A. M., A Paper on *The Assertion of Rights*, by Prof. J. T. PLATT, of New Haven, Conn.

11.30, A. M., A Paper on *International Ethics*, by E. M. GALLAUDET, LL. D., of Washington, D. C.

1, P. M., A Paper on *The Legal History of the Telephone*, by M. F. TYLER, Esq., of New Haven, Conn.

Friday, September 7th.

DEPARTMENT OF SOCIAL ECONOMY.

9.30, A. M., An Address by the Chairman, F. B. SANBORN, Esq.

10, A. M., A Paper on *The Race Problem in the United States*, by Prof. CHARLES A. GARDINER, of Hamilton, N. Y., followed by a Debate.

11.30, A. M., A Paper by Mrs. S. K. BOLTON, of Cleveland, Ohio, on *Employers and Employed*.

3, P. M., A Meeting of the National Prison Association for re-organization.

4, P. M., A Paper on *Child Helping as a Means of Preventing Crime in the City of New York*, by CHARLES L. BRACE, Esq., of New York.

On several days during the session the audience was addressed by PROTAP CHUNDER MOZOOMDAR, of Calcutta, India; and on Wednesday afternoon, September 5th, he spoke at a special session on *The Religion of India*.

THE GENERAL MEETING OF 1884.

This will take place as usual at Saratoga, N. Y., September, 1884, opening in Putnam Hall, on Monday Evening, September 8, with an Address by President EATON, and closing on Friday, September 12. The sessions of the Education Department will occur on Tuesday, those of the Health and Finance Departments on Wednesday, of the Jurisprudence Department on Thursday, and of the Department of Social Economy on Friday. The headquarters of the Association will be at the *United States Hotel*, where members and guests of the Association will be received at reduced rates.

The order of business at the Saratoga Meeting of 1884 will be as follows,—subject to slight changes and to further announcements of Papers and debates :

Monday Evening, September 8th, Opening Address of the President.

Tuesday, September 9th.

DEPARTMENT OF EDUCATION.

9.30, A. M., Address by the Chairman, Prof. W. T. HARRIS, of Concord, Mass., on *The Study of Greek in American Colleges*.

10, A. M., Report of the Secretary, Mrs. TALBOT, on *The Work of the Year*.

10.30, A. M., A Paper by Prof. RAPHAEL PUMPELLY, of Newport.

11.30, A. M., A Paper on *The Kindergarten as Church Work*, by Mrs. SARAH B. COOPER, of San Francisco.

12.30, P. M., A Paper by Prof. WOODWARD, on *Industrial Education*.

8, P. M., Report of the General Secretary, and Election of Officers.

Wednesday, September 10th.

DEPARTMENT OF HEALTH.

9.30, A. M., Address by the Chairman, Prof. D. A. SARGENT, of Harvard University.

11, A. M., Papers on *Physical Training in Schools and Colleges, with the Results on the Health of the Students*.

DEPARTMENT OF FINANCE.

9.30, A. M., Report of the Secretary, Prof. HENRY C. ADAMS, on

10, A. M., Papers on *Taxation and Currency*, by HORACE WHITE, Esq., of New York, TALCOTT WILLIAMS, Esq., of Philadelphia, and others.

8, P. M., Address of the Chairman, CARROLL D. WRIGHT, Esq., of Boston, on *The Scientific Basis of Tariff Legislation*.

Thursday, September 11th.

DEPARTMENT OF JURISPRUDENCE.

10, A. M., A Paper on *Insurance*, by G. W. SHARP, Esq., of Baltimore.

11, A. M., A Paper on *The Unification of Laws*, by EUGENE SMITH, Esq., of New York.

12, M., A Paper on *The True Object of Punishment for Violation of Law*, by CHARLETON T. LEWIS, Esq., of New York, followed by a Debate, which Rev. F. H. WINES, of Springfield, Ill., will open.

8, P. M., An Address on *The Condition of the Freedmen before the Law*, by GEORGE W. CABLE, Esq., of Louisiana.

Friday, September 12th.

DEPARTMENT OF SOCIAL ECONOMY.

9.30, A. M., Address by the Chairman, F. B. SANBORN, Esq., of Concord, Mass.

(Other announcements in this Department are withheld for the present.)

The National Prison Association, which met in 1883, in connection with the Social Science meeting, will hold its annual session for 1884, at Saratoga, commencing Saturday, Sept. 6, at 4, P. M. There will be services in some church at Saratoga, Sunday, Sept. 7, at which the Relation of Christianity to Convicts and Prisons will be considered; and, on Monday, Sept. 8, other questions will be discussed relating to prisons. On Tuesday, Sept. 9, the two Associations will hold a joint meeting to consider Industrial Education in Prisons.

OF CHAIR

OPENING ADDRESS OF THE PRESIDENT,

PROFESSOR WAYLAND, OF THE YALE LAW SCHOOL.

(Read September 3, 1883.)

The Constitution of the American Social Science Association was adopted in October, 1865. In the address of the Executive Committee, issued in the following month, the nature and purposes of the Association were explained, the division into departments was announced, and several topics naturally belonging to each section were indicated. Among these a prominent place was assigned to "the vexed question of capital punishment."

It is a singular circumstance that, thus far, no paper on this important subject has been presented at any of our meetings. It is not to be inferred, however, that our reticence represents the condition of the public mind. Within the last half century English and American periodicals have contained more than a hundred articles devoted to this topic. It has occupied large space in the columns of our most influential newspapers, religious and secular. It has been discussed in many sessions of many legislatures of our Union. It has again and again received the thoughtful consideration of the English Parliament.

It has been argued on Scriptural grounds, on ethical grounds, on humanitarian grounds. The old-fashioned tory has feared that infidelity lurked behind "the attempt to set aside that great principle which God had laid down, that 'whoso sheddeth man's blood, by man shall his blood be shed.'"^{*} The tender-hearted Quaker has pleaded for the sanctity of human life. The conservative jurist has predicted a carnival of crime if the gallows no longer bore its ghastly burden; the progressive jurist has doubted the deterrent effect of a penalty which is rarely enforced. So wise and experienced a statesman as Earl Russell thought "nothing would be lost to justice, nothing to the preservation of

^{*} Promptly answered by reminding this Biblical interpreter that "the same Scriptural authority to which he referred might also be quoted as an authority against capital punishment, because the first murderer was not put to death." *Debate in House of Commons*, 1881.

innocent life if the punishment of death were altogether abolished"; one of the latest public utterances of so clear-headed and humane a philosopher as John Stuart Mill, was a speech in Parliament against dispensing with the hangman,

It is a very hopeful sign that while little direct effect may have been produced upon legislation by the discussion of this question, the range of profitable debate has been reduced to a comparatively narrow field. It has come to be practically conceded that society has the right to protect life, liberty and property by the adoption of any measures best fitted to secure that end. Crime is a breach of the social compact, a violation of some law enacted for the protection of the individual. The offender must pay the penalty prescribed by law for such violation. No thought of passion, or vengeance, or retribution, or expiation must dictate or shape or color this punishment. The sanguinary instincts of the middle ages no more belong to the criminal jurisprudence of the nineteenth century than do the decrees of that merciless magistrate, Judge Lynch. The sole consideration with which the legislator of today has to deal is the simple inquiry: What kind or degree of punishment will most effectually protect society from the consequences of crime?

In deciding this question, the acknowledged principles of human nature and the teachings of mature experience must alike be taken into account. It must be remembered that while undue leniency brings law into contempt, undue severity prevents the uniform enforcement of law by weakening its hold upon the moral sentiment of the community. The doctrine is at least as old as Beccaria that the certainty of punishment is of much greater value than its severity. Nothing is more conducive to the successful administration of criminal justice than the skilful adaptation of punishment to crime, because nothing tends more directly to establish that intimate connection between guilt, detection and conviction, which is so essential to the good order of society.

It has been well said that the efficacy of any law in a free state depends upon its being in harmony with the spirit of the people. This is only stating, in other words, the sound proposition that when a law does not reflect the popular will it cannot be enforced. When this attitude of the community toward any law is found to be inspired not by momentary excitement, but by settled conviction, the time has arrived for its repeal or its material modification.

This certainly is common sense, and ought always to be the basis of legislative action. In point of fact, however, a statute seems too often to be regarded as a sort of fetich. Even when a dead letter—possibly because it is a dead letter—it receives a certain superstitious reverence. It is worshipped, not for any power which it exerts for good or evil, but because it is what is called “an existing institution.” Many legislators appear to imagine that to repeal a statute is to manifest a culpable indifference to the offence which it was designed to punish. They even fear that they may be suspected in some way of making a compromise with crime. For these and similar reasons, “the Maine Law” was suffered to encumber the statute books of some States for years after it had been abundantly proved that convictions under its provisions could not be secured. By and by somebody proposes a practicable, because operative, substitute for the unused enactment, and straightway this inheritance of less enlightened times disappears forever.

Such is conspicuously the recent history of criminal legislation in England. We find the same dreary record of stubborn conservatism ignoring the lessons of experience; of blind adherence to the fallacy that severe penalties are, *per se*, deterrent, from the beginning of the last century, when more than a hundred and fifty offences were punishable with death, down to our own times, when only treason and murder conduct to the gallows. In every instance, the pressure of public opinion has finally effected the reform against the fears of learned jurists and the protests of timid legislators. When it was proposed to abolish the punishment of death for the atrocious crime of stealing to the amount of forty shillings from a dwelling house, Lord Chancellor Eldon gravely declared that such an innovation would leave his property wholly without protection. But here, and in kindred cases, when juries refused to convict, the instinct of self-preservation provided milder and more effectual remedies.

The forces of conservatism—the worshippers of the statute fetich made perhaps their most determined struggle over the proposal to abolish the punishment of death for the crime of forgery. Around this relic of a barbarous code they rallied with the courage of desperation. There is something almost pathetic in the fidelity with which they clung to their ancient and useless weapons, the gravity with which they advanced their often refuted argu-

ments, and the earnestness with which they appealed to fears which experience had shown to be unfounded. Shall the forger go unpunished? Shall we surrender all the safeguards of property? Shall we be in league with the law-breakers?

But while the battle was being sharply fought in Parliament and in print, the stronghold of superstition and unreason was being steadily undermined. Juries continued to acquit and culprits escaped "unwhipped of justice," to renew their depredations upon the unprotected and helpless capitalist. During the ten years preceding 1831, the Bank of England alone lost by forgeries, on an average, more than £40,000 per annum. Now and then, during a period of about a quarter of a century, efforts were made to pacify the public by exempting special classes of forgery from the death penalty, but juries still refused to convict. Fauntleroy, whose confessed forgeries amounted to more than £400,000, executed in November, 1824, was the last man to die under the sentence of an English tribunal for the crime of forgery. Meanwhile, the mercantile classes were naturally alarmed at this condition of affairs. In 1830 the bankers addressed an earnest petition to Parliament, setting forth "that the infliction of capital punishment for forgery encouraged the commission of the crime, because juries refused to convict while the statute affixed this penalty to the offence." And yet it was not until 1837 that forgery of all kinds was made punishable only by imprisonment.

This measure having reconciled public opinion to the administration of justice, juries were content to give to evidence its due weight, and certainty of punishment diminished the number of offenders. Step by step, the same process of reasoning was subsequently brought to bear on other offences, until those living in England in 1861, saw capital punishment abolished for all crimes but treason and murder.

This brief survey of English criminal jurisprudence in comparatively recent times seems to warrant us in coming to the following conclusions:

First—That with the growing intelligence of a free people there arises an increasing aversion to capital punishment.

The *second* conclusion we give in the words of Sydney Smith, whose writings are not more conspicuous for their wit than for their practical wisdom: "The efficient maximum of punishment is not what the legislature chooses to enact, but what the great mass of the people think that maximum ought to be."

Third, — That whenever a penalty is so far out of harmony with public sentiment that, with rare exceptions, juries refuse to enforce it, the time has arrived for its repeal.

This, it will be seen, narrows the discussion of the death penalty in case of murder to the simple question of expediency. By the very nature of the social compact, society is bound to afford the amplest possible protection to human life. Does capital punishment give such protection? It is said that one object in visiting crime with a penalty is to deter others from committing a similar offence. Does capital punishment act as such a deterrent? Does its existence on the statute book tend to strengthen or to weaken public respect for law?

It is not denied that in certain conditions of society, the death penalty may be, and often is, so enforced as both to protect and deter. Murder and horse-stealing, for instance, will, for a time, disappear from the criminal annals of any community when it is known that the sentence of death which follows the searching investigation of a vigilance committee, will be inexorably and speedily carried into execution. Here, as always, it is the certainty of punishment which deters. I was about to say, that this "nearest tree justice," salutary and even necessary as it may be in the mixed and shifting population of a frontier settlement, is not desired in any State of our Union having a permanent constitution and a code of laws; but, I recall the fact that in more than one of our older commonwealths this side of the Mississippi, where capital punishment has not been abolished, murders have been committed with almost absolute impunity for many years with such startling frequency that law-abiding and sober-minded citizens have cried out in the bitterness of anguish, "Oh for a single hour of Judge Lynch!"

Having in view then, in the progress of this discussion, the single consideration of expediency, let us inquire whether in our times and in this country, capital punishment is so enforced as to afford adequate protection to human life; and, secondly, if not so enforced, whether the reasons for its non-enforcement are temporary and accidental, or well considered and probably permanent.

We shall be materially aided in these inquiries by reliable statistics from two States, not second to any in our Union for general intelligence, respect for law and love of social order. I refer to

Massachusetts and Connecticut. It will not be questioned that they are fair specimens of our best civilization, fortunate in possessing competent courts of justice, able lawyers, admirable systems of common school education, and many well-endowed and well-equipped universities of learning. Whatever may be truthfully said of other communities, here the administration of justice is singularly free from political, mercenary, or other corrupting influences. In these States, if anywhere in our broad land, we should expect to find laws in sympathy with the temper of the people. Certainly, we should be surprised to discover an obvious reluctance to punish high crimes with suitable severity, or a manifest disposition to shield the criminal from "the due reward of his deeds." Let us see what the facts are:

Beginning with Massachusetts, we find that during the years from 1860 to 1882, both inclusive (omitting all cases which were not actually passed upon by juries), there were one hundred and seventy trials for murder in the first degree. Twenty-nine persons were convicted of the crime as charged. Twelve of the twenty-nine had their death sentences commuted to imprisonment for life. Sixteen of the seventeen whose sentences were not commuted were hung, and one committed suicide before the day fixed for execution. In twenty-six cases, verdicts of murder in the second degree were rendered.

If there are any who believe that Massachusetts is controlled by a spirit of philanthropy verging somewhat too closely upon fanaticism, we call their attention to a few statistics from the neighboring Commonwealth of Connecticut, a State which no sane man has ever suspected of entertaining sentimental views of crime or its penalty. During the thirty years, from January 1, 1850, to January 1, 1880, ninety-seven persons were tried for murder in the first degree. Thirteen were convicted of murder in the first degree. In six of the cases the sentence was commuted to imprisonment for life. Seven were executed. Forty-two were convicted of murder in the second degree. Seven were acquitted on the sole ground of insanity.

There are instructive statistics from New Haven County, covering the same period of time. As I need not remind such an audience as this, the county seat is the City of New Haven, the home of Yale College and, until recently, one of the capitals of the State. For the thirty years preceding the year 1880, the number of trials

for murder in the first degree was twenty-three. In one case the sentence was commuted to imprisonment for life. Two were hung. Three were acquitted on the sole ground of insanity. Nine were convicted of murder in the second degree.

During the same period, the number of trials for the crime of burglary in the same county, was three hundred. Now bear in mind that a trial for murder is not only not a hasty proceeding, commenced without much preliminary investigation and pressed forward with very little ceremony, but that it usually supposes three previous hearings,—before a coroner's jury, a magistrate, and a grand jury, all for the purpose of ascertaining if there is a probability of guilt,—and, farther, that in the State of Connecticut, the crime of burglary is never brought before a grand jury, but is tried on "information" of the prosecuting attorney for the county, and you will be prepared to appreciate the startling contrast presented by the fact, that out of the three hundred trials for burglary, to which I have alluded, two hundred and seventy-three resulted in convictions. In three cases, the accused were acquitted on the ground of insanity.

In 1852 the State of Rhode Island abolished the death penalty, substituting imprisonment for life. Its most populous county is Providence, of which the county seat is the city of Providence, not exceeded in intelligence by any community in our country; possessing, like New Haven, public schools of unsurpassed excellence, to say nothing of the civilizing and enlightening influences of an ancient university. Turning to the records of this county, we find that during the thirty years next succeeding the date of the abolition of capital punishment, out of twenty-seven trials for murder in the first degree, there were seventeen convictions; considerably more than fifty per cent.

But let us take more concrete illustrations. Three trials for murder in the State of Connecticut within the last twelve years attracted extraordinary attention, not only by reason of the exceptional atrocity of the offences as proved, but also of the astounding character of the verdicts rendered. In each case the killing was by poison administered by somebody, deliberately, systematically, persistently. There was no suggestion of insanity. It was not urged that the deed was done in self-defence, or in the heat of passion or under great provocation. There was no conceivable escape from the conclusion, either that the accused were inno-

cent not only of any criminal intent, but of any homicidal act, or else that they were guilty of murder in the first degree. In two of these cases, the verdict was murder in the second degree, the penalty for which was, as the jury had, of course, been instructed, imprisonment for life. In the third case, a plea of murder in [the second degree was accepted by the Court. When, a little later, one of the women — for two of the accused belonged to the gentler sex — confessed to having poisoned eight persons within twenty years, it could not have been a surprise, even to the jury who had saved her from the gallows.

About twelve years ago, in the same State, a man was tried for murder in the first degree under the following circumstances. Having a grudge against a neighbor, the accused armed himself with a shot gun, concealed himself behind a stone wall on the roadside not far from his house, and awaited his opportunity. When, presently, the unsuspecting farmer, seated in his wagon, was driving past the place of ambush, the assassin took careful aim and fired. As the victim fell, an arm pressed upon one of the reins, and the horse obeying the impulse thus unconsciously given, bore his bleeding and dying master into the yard and before the door of his murderer. The result of the trial was a verdict of murder in the second degree. This occurred in a county in which there have been twenty-seven trials for murder within thirty years, and in which the hangman's office has been a sinecure for a century.

Take another case occurring three years earlier; in another county of the same State. A man after several quarrels with his wife, of whom he professed to be jealous, invited her to bathe with him in a shallow stream near their home. Having in a very deliberate manner held her head under water until she was drowned, he secreted her dead body in an adjoining thicket, and subsequently transferred the remains from place to place to diminish the danger of discovery. I believe that when finally arrested, he was engaged in this somewhat unenviable, if not reprehensible occupation. Tried for murder in the first degree, he was convicted of murder in the second degree. It is only fair to add that during the period to which I refer, — from 1850 to 1880 — Connecticut has always been represented in its criminal courts by competent prosecuting officers, abundantly able to cope with the counsel for the defence.

If it be urged that, in the cases to which I have particularly

alluded, and in other cases equally pertinent and significant, which might be cited, courts and juries have availed themselves of a very ancient statute,* peculiar, I believe, to Connecticut, which provides that "no person shall be convicted of any crime punishable by death, without the testimony of, at least, two witnesses, or that which is equivalent thereto," I can only say that the very flimsiness of the pretext strengthens the argument against capital punishment.

If it be true that there are States in which statistics would show a larger proportion of cases in which the death penalty has been inflicted, it is also true that there are States in which the proportion is very much smaller. On the whole, it may well be questioned whether a fairer average could be presented than in the States from which our illustrations have been drawn.

If this conclusion be correct, it seems to follow that the death penalty is not so enforced in our times and in this country, as to afford adequate protection to human life. The only legitimate objects to be accomplished by any form of penalty for the crime of murder are: *First* — To incapacitate the convicted criminal from doing society any further injury; and, *Secondly*, to deter others from following his example.

But, as we have seen, a trial for murder means, with infrequent exceptions, a sentence to imprisonment for life, and imprisonment for life means, according to the most reliable estimates, confinement for from twelve to fourteen years. The medical report of the State prison, at Auburn, N. Y., for fifty years previous to 1868, gives instructive figures on this point. During this period, two hundred and fourteen persons were committed to that prison under life sentences. Of these, thirty-four died from natural causes, eight became insane, two committed suicide, one escaped, and ten were transferred to other prisons; leaving one hundred and fifty-nine to be accounted for. Of these, twenty-nine remained in the prison at the date of the report, and one hundred and thirty-four had been pardoned; their average period of servitude having been six years and six months. It is asserted that in Massachusetts fifty per cent. of life prisoners are pardoned.† Of the fifty-six committed to the Connecticut State prison during the thirty years

* Enacted in 1672.

† Vide "The Nation," No. 403. 1873. But this is no longer so.

from 1850 to 1880 on life sentences for murder or on commutation of sentence, eight died in prison, four were transferred to the State hospital for the insane; leaving forty-four to be accounted for. Of these, thirty-four were pardoned, after an average period of confinement of nine years and two months.

In view of such facts as these, the statement does not seem extravagant, "that imprisonment for life is, to all intents and purposes, an unknown punishment in this country." *And it is very important that we bear in mind that verdicts of murder in the second degree as a substitute for the death penalty, are rendered with a full knowledge of the probable consequences we have described.*

When, therefore, juries are thus resolute in declining to send murderers to the gallows and the pardoning power is thus lavishly exercised, it is difficult to see how society is protecting human life by incapacitating the criminal from repeating his crime.

We have now to consider, in the *second* place, the deterrent effect of the death penalty in the light of such statistics as we have been examining. It may be well to remember at the outset, that not a few thoughtful men who have made crimes and their penalties the subject of special study, have seriously questioned whether there is any appreciable deterrent influence in punishment. For, it is said, if the offence be committed in cold blood, the offender counts upon escaping detection, and if in hot blood, he takes no thought of the future.

However this may be, it is undeniable that any power to deter which punishment may possess, depends entirely upon its being awarded certainly and enforced speedily. Doubt and delay only encourage offenders. If we repeat these axioms to weariness, it is because they are so often overlooked by the advocates of capital punishment. One of the ablest of English jurists asserts* that "no other punishment deters men so effectually from committing crime as the punishment of death," and he seeks to maintain this, in part, as follows: "This is one of those propositions which it is difficult to prove, simply because they are in themselves more obvious than any proof can make them. It is possible to display ingenuity in arguing against it, but that is all. The whole experience of mankind is in the other direction. The threat of instant death is the one to which resort has always been made when there was an absolute necessity for producing some result. Those who

* Sir James Fitz James Stephen, in *Frazer's Magazine*, 1864.

argue that the punishment of death does not terrify, may be challenged to answer this single question : " Suppose a pistol were levelled at the head of a man proposing to commit murder, and suppose he knew that the death of his victim would immediately be followed by his own, does any one suppose that the murder would be committed ? "

Probably not. Most decidedly not, we should say, if we could put ourselves in the place of the supposed assassin. Meanwhile, those who argue that the punishment of death does terrify, may be challenged to answer this single question. Suppose a man, intent on murder, were confidentially informed by a discreet friend, with due apologies for the interruption, that, if he pulled the fatal trigger, or administered the deadly poison, he might be detected ; that if he did not escape he would be arrested ; that after a probable delay of some months he would be brought to trial ; that if he could command the means to employ the Rufus Choate of the period, or, indeed, any other able lawyer, the trial might be indefinitely prolonged ; that the chances were considerably better than ten to one against his conviction ; and if convicted, quite as good as ten to one against his execution, does any one doubt that the murder would be committed, if the would-be slayer were very much in earnest ?

We confess that our jurist's argumentative illustration seems to us somewhat infelicitous in view of the statement, made without contradiction on the floor of the House of Commons during the session of 1881, that " during the twenty years between 1860 and 1881, for other crimes except murder, the number of committals in which there were convictions was seventy-six per cent. ; but for murder only forty-nine per cent., of which forty-six per cent. were reprieved." The analogy between this state of things and " the levelled pistol " threatening " immediate " retribution, is not, we submit, sufficiently close to be quite conclusive. That the illustration for us in our own country, in these closing years of the nineteenth century, is ludicrously inapplicable, goes without saying. And why, oh ! why, does it remind us of a single sentence in a clever farce written by a fellow countryman of our gifted author ? " Poppy seeds, when taken incessantly for several weeks, produce immediate dissolution."

Let us now consider the *second* branch of our general inquiry, viz. : whether the reasons for the non-enforcement of the law pro-

viding capital punishment as the penalty for murder are temporary and accidental or well-considered and probably permanent; and therefore justifying, if not demanding its repeal.

On this point there would seem to be no room for controversy.

It will, we think, be conceded by the vast majority of those who have had occasion to be familiar with proceedings in criminal courts, as well as by our most accomplished penologists, that the difficulty of securing convictions in capital cases arises almost exclusively from reluctance to take human life. In many instances, of which some examples have been given, this feeling has been so strong as to override all evidence, and set at defiance inevitable inferences from undisputed facts.

In 1864 and 1865 the general question which we are examining was considered in England by the Parliamentary Capital Punishment Commission, of which our distinguished visitor, Lord Justice Coleridge, was a leading member. In his testimony before the Commission, Lord Chancellor Cranworth stated as the result of his observation that "juries wished to rid themselves of the responsibility of finding a man guilty of a capital offence," adding by way of illustration the case of a man "who was tried for murder, attended with highway robbery, and acquitted, but was afterwards tried for robbery on precisely the same evidence and convicted." Numerous cases were cited before the Commission by eminent members of the English bar to show that capital punishment often leads to the acquittal of guilty men.

In most cases, however, refusal to convict has been caused by the belief that mistake was possible, and that the consequences of an erroneous verdict might be irreparable. Ex-Attorney-General Train, of Massachusetts, whose professional prominence and extended official experience in criminal courts give great value to his opinions, says that "the danger that the innocent may be executed instead of the guilty, presses upon jurymen with fearful power, so that they will return a verdict of murder in the second degree instead of in the first, where there is the slightest ground for it, and sometimes when there is not, since such a verdict does not involve the possibility of taking the life of the prisoner." And you do not need to be told that the firm attitude of a single juror will as completely foil the efforts of the prosecuting officer as a verdict of acquittal by the entire panel.

It sometimes seems as if the jury and the prisoner's counsel

were joined in a conspiracy to save the accused from the gibbet. And yet, after all, the venerable anecdotes to prove that by circumstantial evidence the innocent have been condemned to die, and the guilty have been screened from punishment; the well-worn stories of convictions procured by perjured testimony, and, where the edge of these familiar weapons is somewhat dulled by proof of the prisoner's confession, the easy suggestion of insanity—these and similar devices, which, perhaps, to a spectator weighing the evidence with impartial mind because having nothing at stake, seem pitifully weak, may fill the anxious twelve with most distressing doubts. Have they not, or at all events, do they not believe that they have the life of a fellow being in their hands?

But for this predisposition to mercy among jurors founded on the fear of making a fatal mistake, murder trials would be reduced to much more moderate dimensions and the ends of justice be more speedily attained. The eclat of cheating the gallows of a victim with so many chances in his favor will usually tempt an able advocate to undertake a capital case and will stimulate him to greater zeal—not always limited to legitimate efforts—than is manifested in any other criminal proceeding where professional activity is not stimulated by a generous fee.

With what follows you are all familiar—the countless pretexts for postponing the trial; the pains taken to secure twelve men having no decided convictions on any subject; the characteristic treatment of the witnesses for the State; and last of all the fervid appeal to the weary, confused jurors to “beware how they usurp the attributes of the Almighty, and allow their fallible inferences from human, and, therefore, imperfect evidence, to send a fellow creature to the scaffold;” and all the rest of it; I dare say some of you know it by heart—from the daily papers. Sometimes it has the ring of true eloquence; sometimes it is the merest rant. But whether it be eloquence or rant, it serves to remind the jury of the sacredness of human life, the danger of being misled to the injury of the accused, and the possibility, however remote, of sacrificing an innocent man.

Over against this, as the point to be carried, the advocate masses his heaviest artillery. Hear him. “Of all penalties, capital punishment alone is irreparable. Property may be restored; reputation may be retrieved; but human life once taken, can never be recalled. Fatal mistakes have been made; will be

made again," etc., etc. True, every word of it; and because true, rarely without its effect upon a jury. Moreover, we think it demonstrable that reluctance to convict on this precise ground is increasing rather than diminishing in our most enlightened communities.

But if, as will occasionally happen, the case is too clear for even a speculative doubt, and a verdict of guilty is returned, the prisoner's counsel need not despair. There remain the various expedients which we have neither space nor time to enumerate; terminating with the petition for pardon or commutation, which almost every body seems willing to sign—all intended to set at naught the deliberate judgment of the jurors, and save the forfeited life of the convict.

Before leaving this branch of the subject, we cannot forbear to quote from remarks made by a veteran* lawyer in the House of Commons, during a debate on a motion for the second reading of the bill to abolish capital punishment, in the session of 1881. "There was a great and growing distrust in the rightfulness of the punishment—at all events in its efficacy—and there was an inherent feeling in the human breast which revolted from the taking of the life even of a murderer. He ventured to say that no punishment should be inflicted which was irreversible if it were discovered that a person had been wrongfully convicted, and the consequences of which could not be removed even in a mitigated form. The efficacy of the punishment consisted in its certainty, not in its severity; and from his own experience he knew that juries were unwilling to convict, because they felt that they were not infallible and might be dooming an innocent man to death. He had been engaged professionally in trials in which convictions for murder ought to have been given and would have been given had it not been for the consequences which would follow. For these reasons he gave his hearty support to the bill, believing that the sentence of death did not act as a deterrent. He thought, therefore, that it would be in the interests of society if the punishment of death were removed from the statute books. They would have justice administered, sentences carried out with greater certainty, and they would have convictions where they did not now obtain them. He looked to the greater certainty of

* Serjeant Simon.

convictions and of the punishment as a surer deterrent than the punishment of hanging."

Another consideration should be by no means overlooked. If capital punishment is to be retained on our statute books and is ever to be enforced, we shall still be confronted with that most embarrassing if not insoluble problem: How shall executions be conducted? Public hanging is now almost universally condemned on account of its brutalizing effect upon the spectators. Secret hanging will never be, and ought never to be, tolerated among a free people. If hanging is within the prison enclosure and representatives of the press are permitted to be present, — and it is difficult to see how they can be excluded, — then every incident, moment by moment, of the last hours of the doomed man, with all the hideous and harrowing details of the final tragedy, will soon be eagerly devoured by millions of readers from Maine to Mexico, with results hardly less demoralizing than those which accompany and follow the public enforcement of the death penalty. For it should be observed — although the gloomy picture hardly needs a more sombre tint — that one consequence of our infrequent hangings is, that the clumsy because unpractised hand, and the troubled because humane heart of the executioner often turns what should be made an impressive spectacle into a scene which excites only disgust, horror and indignation among the beholders.

We are now prepared for the final inquiry: What is proposed as an effectual substitute for the death penalty?

We are well aware that by many the mere proposal will be regarded with extreme disfavor. There are some who hold, with Sir James Fitz James Stephen, that "no other punishment gratifies and justifies in so emphatic a manner the vindictive sentiment, the existence of which is one of the safeguards against crime," and who think, we may presume, that an occasional execution, even an allowance of only one hanging in half a century is very much better than no execution at all.

Others have a vague notion — hardly amounting to an opinion — that the taking of one life illegally can only be properly punished by taking another life judicially; that there is a law regarding that sort of thing, and, somehow taking it for granted that it is carried into effect, on the whole, rather resent any attempt to enlighten their minds on the subject.

Others, still, who, if on a jury in a capital case, would be

among the very first to welcome any offered mode of escape, however illogical or even absurd, from the duty of rendering a verdict of guilty, yet cannot bring themselves to consent to the repeal of a law which has been on the statute books for so many generations; *i. e.*, they are "in favor of the law, but opposed to its enforcement."

Then, of course, there are in every community many thoughtful, intelligent, well-informed men whose deliberate opinions are entitled to great respect, and who think it wiser that the present law should be retained.

But not to prolong the classification of our opponents, all that they or any others can justly demand is that the suggested substitute shall accomplish more effectually the desirable objects sought to be obtained by the existing statute.

Let us see if imprisonment for life will not answer this reasonable requirement. As has already been remarked, the design of the death penalty is two-fold. *First*, to incapacitate the criminal from repeating his crime; and, *Second*, to deter others from committing a like offence. This is all. Restitution is impossible. Reformation, in the brief period between the sentence and the scaffold, is highly improbable.

But, clearly, society at large is as perfectly protected from the violence of a man who is confined in prison for life, as though he were "hung by the neck until dead." Hanging does nothing more than put him out of the way. Does imprisonment for life do less?

But observe; the convicted murderer has forfeited the right to be at large; therefore he is imprisoned for life. He has even forfeited the right to the society of those who have been guilty of crimes, but of lesser degree; therefore his only fellow prisoners should be fellow murderers. If in any given commonwealth, there should not be a sufficient number of life prisoners to warrant the erection of a separate building to confine them, it would only be necessary to add a wing to the main prison—adjoining, yet distinct. A life prisoner should have regular hours of labor, nutritious food, clean and well-ventilated cells, suitable clothing; but no diversions; no relaxations; no communication with the outer world; no correspondence with relatives or friends. In a word, he must be socially dead, as much so as if his body were mouldering in a felon's grave.

Solitary confinement should be reserved for additional punishment—or for violation of prison rules ; perhaps permanent solitary confinement for the murder of a keeper or a fellow prisoner. In Rhode Island, where, for other murders, capital punishment is abolished, it is enacted, “that every person who shall commit murder while under sentence of imprisonment for life shall be hung.” This statute was probably passed in the belief that juries would always convict under such circumstances, but within five years. in another New England State, a convict, who, while endeavoring to escape, killed his keeper, was convicted of murder in the second degree. And although this was really a case of murder in the first degree, and should have received the highest punishment known to the law, yet it must always be remembered that if there are exceptionally wicked prisoners, there are also brutal keepers, and a long series of exasperating indignities may transform a human being into a wild beast.

Consider now the probable deterrent effect of the suggested substitute for the death penalty. Imprisonment for life under the conditions which have been indicated, is a form of punishment which may well appal the stoutest heart. A man condemned to die, and cherishing a hope, however faint, of a reprieve, may, at the last, when all hope has fled, brace himself by a supreme effort, against the brief agony of the gallows, and meet his fate with fortitude. Indeed, we know that men have done this. But how if he look forward to the certainty of a lifelong seclusion from his fellowmen? There is no room here for mock heroism or bravado. There is no spectacle; there are no spectators. Nothing which the world can give will ever minister to his enjoyment or comfort, or break the sad monotony of his weary days. There will be no tidings from home; he has no home but a cell; no horizon beyond the prison walls. He is, in sober earnest, “a man without a country.”

To others, his punishment is a standing menace; a perpetual warning. The lessons taught by the gallows are short lived. The man dies and is forgotten. But the prisoner for life preaches from his lonely cell a daily sermon to deter from crime.

Again, the deterrent influence of this form of penalty will be materially enhanced by the greatly increased certainty of conviction after detection, and of punishment after conviction. From the moment when it is made to appear that a possible mistake is

not irreparable, trials for murder will be deprived of their anomalous and exceptional features. The gallows will no longer cast its dark shadow across the court room. Evidence will be weighed, and inferences drawn, and probabilities balanced, and verdicts rendered, as in other criminal cases. There will be less feverish excitement, fewer angry controversies, diminished attraction for the idle and vicious; in a word, a much more wholesome atmosphere, material as well as moral, for the exercise of calm reflection and deliberate judgment. It would be strange, moreover, if much impassioned not to say lurid eloquence of the Old Bailey variety were not lost to the world. But our life is controlled by compensations, and we should hope to be reconciled, in time, even to this result, in view of the more rapid despatch of criminal business, and, as we firmly believe, the added security to human life.

And now, if the question be asked—and certainly nothing could be more natural than such an inquiry—How can the literal execution of a life sentence be ensured? I answer: By a constitutional provision, making release from confinement impossible, until, before the court in which the prisoner was convicted, it shall be made to appear that he was innocent.

THE PLEASURES OF SOCIAL SCIENCE.

ANNUAL REPORT OF THE GENERAL SECRETARY.

(Read Wednesday, September 5.)

Ladies and Gentlemen, Members of the Association :—

In presenting again my annual report as Secretary, you will permit me as usual, to wander from the dusty track that such documents must follow (at least for a while, or part way), and present to you some of the more general, and, I hope, more agreeable considerations that reconcile us to the formal, laborious and often unpleasing studies with which we pursue our vague and devious aim—social science. This, as we have often had occasion to notice, is not one science, but all sciences in one application,—that is, as they bear upon the welfare of men in their social confederacy. For neither education, nor public health, nor finance, nor jurisprudence, nor social economy would be more than empty terms, if men lived after the fashion in which Homer pictures his Cyclopes as living—every Cyclops for himself and Ulysses catch the hindmost. Indeed Polyphemus may be taken as the type and symbol of mankind who live by themselves and for themselves,—a huge-limbed, silly, brutal and useless creature, with but one eye at the best, and very apt to lose that, whenever men who have learned to combine in society will take the trouble to stop and put it out. Polyphemus was not and never could have been a member of our Association; and it is to repress and instruct such one-eyed leaders of the blind, in modern times, that, among other objects, we have organized such associations. For even now, as the steamship of civilization glides forward on its course, like those Homeric vessels of the Phœacians, which, moved by their own impulse, it must encounter now and then some preposterous giant who hurls at the good ship the heaviest missile he can handle, and if he cannot sink it, can at least raise a formidable wave before us or behind, which for the moment threatens to swamp the ship with all her precious freight. The French Revolution for some years appeared like a furious Polyphemus or poor blind Samson of this kind,—and the crouching forms of Communism and Nihilism dimly seen through the mists of the deep future, seem now as threatening to those who lack confidence in the future of the

human race. It is the province of social science to quiet these alarms and to assure the anxious present that it need not fear any of the giants of the past, however blood-thirsty or rapacious they may look from a distance. The course of civilization can encounter no worse enemies than it has already met and overcome, and if we had so much to fear from these spectres of the future, we should never have been alive at this moment to shudder at them. The race of giants, physical or metaphorical, has no very wide range or long life; while the activity of the human race, and its perpetuity as a whole—no matter how short-lived may be individuals and nations—set at defiance every enemy, however gigantic, that can assail it.

At present (let us confront the truth) the most formidable of these phantom giants, in the estimation of cultivated and comfortable people, is the rule of the Many, where they would fain see the strong and quiet domination of the Few. We are still in the purlieus and twilight ante-chambers of the giant Democracy—that many-headed being whom its enemies call the Mob, and its friends the People—but we are moving forward with the procession, and we shall soon come face to face with him wherever we find ourselves in the world. He has long had a nominal sway in America, and now he puts forth his shadowy but most real hand and disposes at will of certain thrones in Europe; while his power in all parts of our fast growing republic has ceased to be nominal, and is every year manifesting itself more and more. We may say the same of Europe—for where democracy has not yet established itself, as in France and Switzerland,—it is making long strides forward, as in England, Germany, Italy and Spain. In Russia, democracy is still but a name,—but in that name many strange works are done, which redound to the discredit of true democracy here and elsewhere.

Now it is one of the pleasures of social science in America to observe, that the fullest development of our circle of sciences which relate to society, can best be attained and maintained in a democracy,—that is, in a government such as ours should be,—of all, by all, for the good of all. In any other form of government, the practical application of the social sciences meets with obstacles from the inability of the governed mass to respond to the appeals of public health or political economy, or whatever branch of these sciences calls on them for realization in their daily life. Human

beings are so constituted that they must act upon their own impulse, not at the will of others,—and it is in a democracy that this possibility is most constantly realized. Amid the thousands of little democracies which now make up the congregated democratic republic of the United States it is possible to carry out, in each, at some time, and in some of them at all times, the purest principles of social science, so far as they apply to that small community where the trial is made. And when once they have been applied and have shown good results in one of these communities, the contagion of example and success easily carries them forward to similar results elsewhere. This is the law of human civilization, which proceeds by a method of endosmosis, from one part of the world's spiritual structure to another; but it is, no less, the method in which the will of men, not the blind force of natural law, accomplishes the marvellous result. "There are some," says Seneca, "that live without any design at all, and only pass in the world like straw upon a river; they do not go, but they are carried." This is no part of a man, but of a log or a chip,—and we do not, in fact, find many men yielding so to the force of circumstances. Most of us fall under another of Seneca's classifications, "those who deliberate only upon the parts of life, and not upon the whole." Yet are those parts so arranged by a Divine artificer, that our deliberation and our action upon one of them does of necessity influence the whole,—and more frequently in a beneficent than an injurious manner. We are taught that God makes even the wrath of man to praise him,—much more, then, the considerate action of men for others as well as for themselves. But I find in Seneca a much fuller statement of this matter, which you will permit me to cite:—"It is every man's duty to make himself profitable to mankind; if he can, to many; if not, to fewer; if not so neither, to his neighbor; but, however, to himself. There are two republics; a great one, which is human nature; and a less, which is the place where we were born; some serve both at a time, some only the greater, and some only the less; the greater may be served in privacy, solitude, contemplation, and perchance that way better than any other; but it was the intent of Nature that we should serve both. A good man may serve the public, his friend, and himself in any station; if he be not for the sword, let him take the gown; if the bar does not agree with him, let him try the pulpit; if he be silenced abroad, let him give counsel at home, and dis-

charge the part of a faithful friend and a temperate companion. When one is no longer a citizen, he is a man; but the whole world is his country, and human nature never wants matter to work upon; but if nothing will serve a man in the *civil government* unless he be *prime minister*, or in the *field* but to *command in chief*, it is his own fault. The common soldier, where he cannot use his hands, fights with his looks, his example, his encouragement, his voice, and stands his ground even when he has lost his hands, and does service too with his very clamor; so that in any condition whatsoever, he still discharges the duty of a good patriot. Was there ever any state so desperate as that of Athens under the Thirty Tyrants, where it was capital to be honest, and the senate-house was turned into a college of hangmen? Never was any government so wretched and so hopeless; and yet Socrates at the same time preached *temperance* to the *tyrants*, and courage to the rest, and afterward died an eminent example of faith and resolution, and a sacrifice for the common good."

If Socrates under the rule of the Thirty Tyrants, and Seneca in the infamous reign of Nero, could point out to men a sphere for the daily performance of their political and social duties, can there be any crisis of events in a modern democracy which ought to appal the student of social science? The selfish interests of one tyrant or of thirty tyrants, not only may be, but almost certainly will be at variance with the public good,—but how can the interests of all men be thus at variance? You will say, perhaps, that the multitude do not always know their own interest, and that they easily permit themselves to be led into unwise or dishonorable courses by selfish demagogues—and that a demagogue is the worst of tyrants, because the least responsible. But observe how short is the sway of the most plausible demagogue, unless he makes his ambition conform to the popular will, and himself serves the supposed interest of the people, who cannot long be mistaken in what their interests consists. Again, you may say that the honor of a people is more to be consulted than their material and temporary good,—and that their interest may lead them to do, at the advice of a demagogue, what will ultimately disgrace and injure them; for example, to repudiate debts, disown the obligation of treaties, dismiss faithful officers from the government service, etc. This cannot be denied,—but it can be asserted confidently that the monarchies and aristocracies of the past have violated every pledge of this kind in a manner

quite as discreditable as it is possible for any democracy of the future to do. Witness for example, the outrageous disregard of treaty obligations and financial honesty which the last century witnessed at the hands of Louis XV. of France, Frederick of Prussia, and Catherine of Russia, to say nothing of the conduct of Napoleon, of the British ministry, of the Russian czars and of Prince Bismarck, in the present century. Nay, it may be maintained that every new infusion of popular influence in national governments has tended to a stricter observation of pecuniary fidelity and treaty obligations by those governments; and the history of the United States in this respect may be favorably contrasted with that of any European or Asiatic monarchy, or any oligarchy of ancient or modern times.

But, finally you may say that a democracy is itself, too often, the mere name for a tyranny or oligarchy, and that these are all the worse for being short and easily changed; that designing and ambitious men make use of the forms of popular government to screen their own personal power; that they maintain themselves in office by appointing their own dependents to subordinate places, who, in turn, allow the public money to be squandered on contractors and in useless expenditure, thus strengthening themselves by corruption; and that this very evil has been, and is the worst and least curable form of misgovernment in the United States, particularly in great cities; that it is now flagrant, increasing, and of itself enough to make democracy intolerable to all men of property and good morals. Nor can I absolutely deny these allegations, which have too much foundation in the recent experience of our country,—not only in the great cities of the North, but in some of the State governments both North and South; and I can conceive no worse foe to the people and to popular government than one of these political “bosses,” as the phrase now goes,—who have no better object in view than their own continuance in power, and who combine in their brief domination the worst abuses of royal and of aristocratic government. But I deny that these “bosses” are the legitimate outgrowth of Democracy,—they are the offspring, rather, of that obvious inequality which democracy must, in part, remove, before it can take full effect. They find their best field either in cities where the influx of poor men from Europe and the increase of wealth by gigantic trade, widen the gulf between rich and poor to an extent unknown in the rural portions of the United States,—or else in regions like the former

slave States, where the habits induced by slavery have not yet been outgrown, although the former slave population has risen to a degree of independence that would hardly have been deemed possible twenty years ago. As these inequalities between rich and poor diminish, and the great middle class, which is always conservative, grows stronger and wiser, the rule of the "boss" will pass away, or will lose half its evil influence.

Here again, we may be told that inequality, in a country like ours, cannot diminish, but must go on creating sharper and sharper distinctions, as national wealth and national population go on adding up their half-fabulous columns in this fast-developing country of ours. In a certain sense this is true. The Goulds and Vanderbilts on one side, and the tramps and vagrants on the other, will be farther and farther apart in their material success, as one class is adding million to million, while the other class remains at its old level of beggary. And at certain times this tramp class will find its ranks strongly recruited, and may become, as it was a few years since, in the railroad riots, an occasional and temporary danger of formidable proportions. But this class is smaller in a democracy than under any other form of government; while the other class, of millionaires, is larger in a democracy than elsewhere. But neither extreme of the social scale has, in fact, much to do with shaping the fortunes or forming the habits of the great mass of our people. These men of the middling interest are neither tramps nor millionaires,—but a new class, in a new world, of which they form one of the indispensable elements,—I might say the only element truly indispensable. It is they who have made Democracy possible; it is Democracy that has made them possible. And it is in this great, middle class, enduring neither poverty nor wealth (in the modern sense of wealth by the million), that social science must find its truest votaries, its best examples.

It was remarked at our general meeting of 1876, while we spoke of the birth of this republic one hundred years before, that the foundation and maintenance of the United States was the greatest victory of social science in the century that witnessed it. In the spread of our free people over the vast area of our national domain, no single instrumentality has been more potent than the railroad, which alone has rendered possible the extension of our population into regions long deemed uninhabitable, and almost inaccessible. As we look around us here and miss from our

assembly so many of our members, it is proper to remind ourselves that a company of them, under the guidance of a Director and former Secretary of this Association (Mr. Henry Villard) are at this moment crossing the wheat-fields of Dakota along the line of that new route to the Northern Pacific, which is this week to be opened from end to end—from Oregon to Maine—for the commerce of the world to follow as it seeks new channels, and markets before unknown.

Science, whether physical or social, has not yet succeeded in putting us in two places at once, and so our brethren who are journeying with Mr. Villard cannot be both there and here. But in traversing and describing those immense tracts of country, now first opening to civilization, and in connecting with each other by new chains of commercial advantage the sundered continents, they are working, like us, in the cause of social science; which not only considers man in society with his kind, but seeks to bring him more and more out of his separate or tribal or national existence, into the great circle of the world's life.

We have with us as a guest of this meeting the representative of a nation teeming with people and gray with antiquity—the empire of India—which is now pressing forward with its hundreds of millions, to enter the contest of industry, commerce, learning,—in a word, of civilization, along with the newer nationalities of America and Europe. When Alexander of Macedon, in his conquest of the oriental world, came to the river Indus, he found in that vast peninsula millions upon millions, with a philosophy, a religion, and a civilization of their own, whom he deemed it best for his own reputation to leave unmolested in their mountains and on their plains. But what Alexander failed to conquer, the shopkeepers of England found means to subdue, a hundred years ago,—Clive and Cornwallis and the magnificent tyranny of Warren Hastings accomplishing the task which had proved too great for Perdicas and Seleucus, and Demetrius the taker of cities. And when this land of India was opened to western research, how rich was the treasury of ancient wisdom found therein! The knowledge of Sanscrit and of the other ancient languages of the East has unfolded to us a new chart of the world's history, and established the pedigree of races,—to say nothing of the contents of those rich literatures, only a tithe of which has yet been made known to us. And may it not be that India, with its population of two or

three hundred millions, occupying a country almost as large as our own, and stretching like ours through many degrees of latitude, will regain a position of importance among the civilized nations, when social science shall have done for her people what has been done for the occidental races whose cradle was in the Himalayan valleys? It is for our friend from India to tell us how this may be done, and we shall hear him gladly. I observe that the British residents of his country are looking towards us with a mixture of admiration and aversion, as rivals in trade, but acquainted with the arts that quickest develop the natural greatness of a country. One of these British residents, in a pamphlet published in Calcutta this year, says: "America is fortunate in that the ultimate decision on any large question of policy rests generally with self-made men in the full tide of their career, whose struggles in life are daily teaching them exactly what the country requires, in order that they and it may get on together. This obviously secures more progress," he adds, "than where affairs are dealt with by retired officials, whose careers are practically over, and whose experience of the country, while India was asleep in her cradle, is almost worse than useless, now that the young giantess has awoken, longing to stretch her limbs, and eager to pry into and to take an active part in the busy world around her."

No one in America need lack an opportunity to take an active part in our busy world. We complain rather, that we have too much activity and too little thought,—that everything here is done hastily, and then speedily undone; and that we move forward too fast to understand completely the part we are taking in the work of the age. It may be so,—but if we act our part well, care will be taken by a higher power that it shall have its due result, whether we take note of it or not.

For, be it less or more or soon or slow,
It shall be still in strictest measure even
To that same lot, however mean or high,
Toward which time leads us and the will of heaven;
All is, if we have grace to use it so,
As ever in our great taskmaster's eye.

It was in this spirit that those members of our Association whom we have lost in the years past,—Jewell, Delafield, Atwater, Warren, and others of less public note,—addressed themselves to the tasks of American life; conscious that the result of earnest effort in a democracy is never thrown away, though in the broad expanse

of national activity, as in the heaving waves of the sea, a single billow is soon lost from sight. For it is the felicity of a true nation, and signally of a democratic nation, that its individuals are, as the poet says,—

Distinct like the billows, yet one like the sea.

They have their range of influence, more or less extensive, according to their opportunities, within which their personal activity is exercised, and they have also that influence which they exert as members of the great body of the people. Between these two spheres of influence is that which they exert as members of this Association, which we do not always value at its just rate, because we do not see those immediate fruits of its modest efforts which can be shown by a political agitation, or a philanthropic movement. But, in course of the eighteen years that we have been at work, in our way, we have not only coöperated in many good things, for example, in the now triumphant civil-service reform, of which Dr. Gregory will speak to us to-morrow—but have alone effected some things. It was from this Association, and by its fostering care, that the National Conference of Charities, which is to assemble three weeks hence in Louisville, for its tenth yearly session, grew up to be what it now is,—the recognized centre of charitable work, both theoretical and practical, in the United States. We have now undertaken another work, in which other societies will be more powerful than this, but in which we can do something,—the promotion by the national government of common school education in the separate States,—a measure of extreme moment to the good government and prosperity of the whole country. We are assured that our slight contribution of last year to the discussion of the question did its full share in advancing the measure then before Congress; and we hope this year, with more systematic endeavors, to secure practical legislation for this purpose.

You have already heard one-half of the papers which have been prepared for the present General Meeting, and can judge once more, as in former years, how unbounded is the field our Association may occupy, when it shall act up to the limit of its possibilities. For it is the greatest of all the pleasures of social science, that its pursuits are endless, and that when the most has been done that we can do, there still remains an infinite amount to be done. I call this the greatest of attractions, and not, as some may hold, the greatest discouragement; since it is the nature of man to seek

action rather than repose, and, our own existence being endless, whether as individuals or as mankind, it behooves us to find sufficient occupation during that eternity. There was a hymn sung in my childhood, concerning the joys of heaven, one verse of which ran thus :—

When we've been there ten thousand years,
Bright-shining as the sun,
We've no less days to sing God's praise,
Than when we first begun.

In these artless lines the occupation of immortality was naively said to be the singing of praises to the Creator; but what more acceptable praises to him than our fulfilment of his laws and purposes upon earth? which we conceive the applications of social science to be. Nevertheless, there is always room for difference of opinion concerning every such application, though we may be agreed upon its principles; and there is no surer way yet discovered for promoting truth than by serious and free discussion. We therefore esteem it a chief function of this Association to promote such discussion, upon topics which themselves are important, and to bring forward into prominence topics that might otherwise be little considered. Our papers of this year will accordingly display the same mixture of theory and practice—inseparable from the consideration of social subjects—which has been remarked on in previous years. At the close of the sessions on Friday, we give place to a kindred society, the National Prison Association, which, after some years of inactivity, proposes to reorganize, under our auspices, for greater service hereafter. Our final debates, therefore, will turn upon that useful branch of social science—the prevention and punishment of crime—which our President opened for us in his able address on the special punishment for the highest crimes.

It will not be complained that our papers lack variety, nor that they are, to any great extent, a repetition of those read here in former years, although there must be a return in each year to some of the great questions that are of constant interest from their bearing on our daily life. Such were those papers to which we have listened to-day, on sanitary subjects and on mental diseases; dealing as they did with questions of vital consequence to the comfort, if not to the existence of society. For all these papers, as now heard, or as hereafter to be published, we bespeak the careful attention which their interest demands.

PAPERS ON HEALTH AND EDUCATION.

I. HEALTH AND SOCIAL SCIENCE.

AN ADDRESS BY EZRA M. HUNT, M. D., OF TRENTON, N. J., CHAIRMAN OF
THE DEPARTMENT OF HEALTH.

(Read September 5, 1883.)

Health is a great word, and describes a great thing. It was not by accident that in the Anglo-Saxon tongue it is the mother word of a score or more that are used to express the most bountiful and useful of all benefits. Wealth, well, well-done, welfare, hale, whole, wholesome, wholeness, holy, have this as their root, and are but specimens of the fulness of meaning which was felt to be conveyed thereby. The saving health among all nations was the climax with which the English translator sought to convey the Hebrew idea of a completed salvation.

When Franklin said: "Public health is public wealth," and when the latter word in *commonwealth* was made to stand for the weal of all society, there was a union of terms which are allied in thought not less than in language.

It is not merely that our highest conceptions of blessing must be expressed by physical conditions or by our highest estimation of some physical benefit. Before mankind began to analyze the fulness of one's self, it really included the intellectual, the spiritual, the social. It meant such harmonious adjustment and relation as did not necessitate a division into members and parts, or a deeper dissection between that which we now call material, mental and spiritual.

It applied that very word wholeness, or complete soundness to express them all, and made it a perfect synonym for all that manliness and womanliness mean in appearance, speech and behavior.

And so health stands to-day, whether we will or not, as a great generic thing, which means more than the world has yet begun to feel. However ready the assent to its value may be, it is too often without adequate appreciation or comprehension of what it means for society. The word was meant to indicate the adjustment of

every part of one's self to every other part of one's self, and of the universe, so that the long and true enjoyment of this welfare and wellness should last as long as life lasted.

To the individual, and not less to men and women in their associate capacity, it is the greatest inheritance. Old age, itself, has as one of its honors, the fact that it is a kind of testimony that health has been the property of ancestry, and a partial pledge that the gift is now handed down unimpaired to the coming generation. Since that is the only hope of perpetuity to the State, it is more than personal, filial or parental; it is patriotic.

If we were only after material resources, we could claim health as the greatest capital of the world. Pour out the gold from the mines, cover the seas and the rivers with ships and steamers, let the land wave its plumage of grasses and its thousands of miles of wheat fields. What are these as wealth, as material prosperity, unless there is power in the race, — power that must be physical if it shall be intellectual, moral and social?

It is high time that social and political science put a worthy and more deliberate estimate upon the material value of hygienic science and art.

How we glow into enthusiasm over the great forces of Nature as they are subjected to the uses of the world and made to work in engines and batteries for the productive energies of progress.

How we exult over the untold wealth of mines, over the richness of boundless prairies, and all the largess which mountain and valley, shore and sea, are pouring into the lap of Columbia's renown.

But what are all these, even as an estimate of material wealth, in compare with the question. What is the yield of men, women, and children which American civilization is furnishing? What are the physical forces resident in the aggregate population of the United States?

Orators may well point you to all the triumphs of machinery and art, to what this age has wrought out of the metals, and how iron has become the tough elastic which spans the bays, and with its fairy cords entwines the brows of island cities; but, behind all other forces, aye, more than yet is told behind the exerted moral and intellectual forces of the world, is the physical force of hearty, wholesome life — itself moral and reaching out to the Divine — when the exquisite adjustment which God himself has designed

between man, the masterpiece, and the rest of Nature, is thoroughly appreciated and maintained.

Here is the wealth of the country. When we are looking for the "physical apparatus of civilization," we must not overlook the people. The people, — this is the strength, this is the power.

I do not need to follow on to show how this physical vigor and its sustenance are indispensable to strength, success and perpetuity. All history tells us of physical degradation as the forerunner of national collapse. "Rome," says the historian, "perished for the want of men." The Statesmen, the Publicist, the Social Economist, the Moralist, the Christian Patriot, must look to the physical stamina of the woman and the man, not as always tall or always broad, but always, whether nightingale or eagle, in adjustment with its own parts and with its surroundings. We may, without damage, change a little the versification of Sir Wm. Jones, and say :

"What constitutes a State?

Not cities proud, with spires and turrets crowned ;

Not bays, the ocean's gate,

Not broad expanse, with harvest-covered ground.

Not mines, richer than courts,

Not all the treasures of the earth and sea,

Not far renowned resorts,

Where tent and mansion tell of Liberty ;

But men, high minded men,

With powers of thought, and fitted to endure,

Men who on toil depend,

And girt about with strength can dwell secure."

Would that this idea of the value of life and health in the population could take fast hold of our American people. Disease, or invalidity in some of its forms, is the background of illiteracy, of pauperism, of crime, of race degeneracy, in many ways to a degree not recognized. As ill health is largely preventable, a radical way of dealing with the distempers of social life is to prevent this, one of the most common and preventable causes or occasions of it.

An English traveller, a year or so since, on being asked what seemed to him the great lack of America, somewhat startled us by replying "*population*." We are so used to vaunt ourselves over our great growth that we forget what impression a man from the British Isles, or the crowded lands of the Old World gets, as he sees in the New England, the Middle, the Western, or the Southern

States, large spaces, — counties, indeed, some of them larger than States, — without 200 people in them, and then beholds the vast stretches of the West still untenanted and well-nigh unknown.

It is human beings carrying with them human health, that are wanted more than all the resources of earth, air or sea. And while we welcome all that is good and stalwart from the Old World, we need far more that sturdy growth on this side the waters which cannot be secured by importation, and which can be supplemented in the long run far less than most imagine. Pity be to the nation whose numbers are not replenished from within itself, but that trusts to importation for its whole supply.

The generations born upon the soil, must, to a degree not yet realized, be the trust and expectancy of American perpetuity. The land that will not support and sustain the health of its native born, cannot survive other forces which will limit the powers of foreign supply and make the government itself to be not only foreign, but mongrel, transient, and without a positive individuality of its own.

Put then, if you please, high material, commercial and national value on health, on native health, on the means of securing it to the children of foreign and native parents born on our soil, and thus claim health for prosperity and patriotism as well as for personal comfort.

Nor was there ever a time in history when health had such risks and so much needed social science to deal with as a factor.

It is often dealt with in an æsthetic way. It is such a ruddy and beautiful thing to exhibit and to talk about. Nay, more, it is patronized. Great sympathizers and administrators pat it on the head as a philanthropy. When a man goes a little further than this and seeks to show in it the reign of law, to speak of it as an appreciable acquisition, to propose methods that shall be anticipative in their field of operation and prevent disease, or to show science and art as pledged to it in advance, there are not wanting those who begin to call the devotee an expert or a specialist, suggesting many good things collateral to a profession and worthy of thought if time permit. Let us know that health has no such place. Sanitary science in its prevision does not build an annex to other temples. If it is anything it is a corner-stone. It is fundamental rather than ornamental. It is not made up of a few contributed pieces for a mosaic, but is integral to the very essence

of progress and to all that sociology means. It boldly comes forward as a chief necessity and says that, if we would improve society, we must improve health.

Death, as we see it in the world, is to be taken hold of as a misdemeanor. We do not object to the one horse shay, nor to the natural transfer to the other sphere in which Christians meet; but death as it wars with life on this planet, is an outrage upon the common decencies of humanity. It, and sickness to the degree that they obtain, can not be laid over to an extra-mundane spirit of evil, and much less to the account of Him of the *breach* of whose just and generous laws it is only a signal. The preventive art is each day showing that it comes into action not too soon among the disturbing *social* forces which are to be caught and tamed, and over which man has been put in control long before he was put in charge of steam or lightning, but which he has not regarded as conspicuous enough to be manipulated as more brilliant forces are.

So the problem is becoming more and more complicated. Civilization, while it means more possibilities of grandeur and effect than could be meant under any old *régime*, though it were that of a Roman Empire, also means that to degrade, to devitalize, to denationalize, was never a greater possibility than now.

It is one of the advancements of the age. The tendency to quick and rapid aggregation in cities—in cities built as modern cities are by men and women who work, wear and tear, think and travel to and fro as the populace does nowadays, is terrible. There is no ancient counterpart. Life has more risks than ever before. As it is more artificial, more gregarious, more packed, the compensations and adjustments cannot be trusted to any natural laws.

The laws of trade, the relation of machinery to capital and labor, the remarkable massing of operatives of all classes in cities, so that more than one-fifth of the population of the United States now lives in cities, lead one to say, "Whatever will tend to purify great cities effectually, will be an incalculably important blessing to the world at large; for the tendency of population to mass itself in cities is a phenomenon of all advanced modern nations."

Country-town manufactories are less and less established, deciding the fact that we are to take care of a population crowded out of propriety, and of kinds of population for which there must not only be forethought but foreact. The tendency of all such

massing is to neglect all little things, except such as are directly a part of the vocation followed.

Only thus can you account for what the people of towns and cities will put up with in the direct breach of the clear demands of physical life, and at length come not only to endure, but to resist change as an innovation. Of how far this neglect can go in our older cities we have had many instances. Nor is it less true that younger cities have sprung up, not as far west as Leadville, in which life is not so much imperilled by the bullet, but is, nevertheless, constantly under depreciating, enervating influences.

Nor is this because there is no mastering of the problem. How to choose a proper locality, how to drain land, how to build a healthy house, how to feed, air and clothe the inmates, how to remove all *débris* beyond the reach of those who cannot appropriate it with the same advantage as can the grasses and the grains, these are known as definitely as most facts in science and most of the experiences of applied art. Yet the threatening fact remains that the breach of sanitary law is constant, is progressive, and that social economy ought to attack it with all the vehemence and decision with which such a heroic principle would lay siege at the gate of a city whose name is Destruction. Here and there we have grand intimations that the thing can be done. Glasgow, with some serious disadvantages has realized the problem and has grappled with it grandly, so that with all its poor, its toiling labor, its concentrated industries and illnesses, it meets the issues and can point to work and to results that prove there are adjustments and coöperations that can make parts of the city and theoretically the whole of a city healthy.

New Orleans, though it has been the very home of pestilences, has had an auxiliary sanitary association in which merchants and physicians and jurists and clergymen joined hands and have done marvellous things in reducing the sick rate and adding to sound comfort. Take a single instance. In 1879, the Auxiliary Association of New Orleans placed a powerful pump on the levee in front of the infected district, which encircled with fresh water from the river the entire rectangle of three by five squares, to which area the fever was successfully confined. Dr. White at once instituted a systematic house-to-house inspection followed by re-inspection.

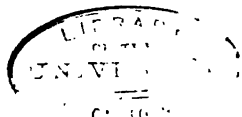
The fever did not cross that boundary line. It was a *cordon sanitaire* better than a shot-gun quarantine.

Social science must begin its work in this behalf with household life. The house and one family are the sanitary unit, and the domicile the great care of sanitary administration. This is at once the hope and the discouragement; the hope, because if the parts can be made right, the whole is sure to follow; the discouragement because house-building or the construction and appointment of a home as a place favorable to the full physical scope of life is so foreign to the thought of most men as a primal design in this age. The housekeeping, "the practical knowledge of which," says Richardson, "is the principal glory of a woman," is lightly esteemed in urban life.

So long as homes are at the mercy of the architect, the contractor, the plumber, and the keeping is controlled in the interests of the servants, the boarders and the guests, so long shall we have a section left out of the back-bone of our American civilization, and our refinement will put up with a great deal of noxious stuff and consequent invalidity. Add to this the giving over of questions of the most important character as to sanitary construction to a control too political to be either economical or orderly, and we have complications, the first relief from which must come from their realization.

The practical art, as well as the great science of hygiene, takes a good turn when it resolves to address itself to the relief of these conditions, when it attempts to infuse into society the idea of homes, to give them separateness even when in the same building, to insist that they be healthful in the sense in which the best art and experience define them as capable of being, and then seeks by administration to secure their *keeping* in a sanitary way. As there is lack here—lack of knowledge, lack of training, sometimes lack of will, we are compelled to supplement. It is for this reason that the inspector of buildings and the health inspector, not to name others, become necessities, and should be sustained on a basis of civil service reform and as a social necessity. This means that these services should be appreciated, that officers who can pass examination as to competency, and have the tact and behavior which are requisite should be chosen, and thus a sustained foundation for intelligent oversight and aid be secured.

For all this effort at improving the condition of society by looking after the welfare of households, there are great encouragements not to be overlooked. One who attempts today to glean in



this harvest finds an area of ascertained truth broad enough for any intellectual vision, and a positive enunciation of principles and rules as definite as those of any of the applied arts.

Healthy houses, and how to make them, how to adjust life within them, how to feed, clothe, ventilate and exercise, are not the enigmas that some would lead us to believe.

Balances to the crowding life, appliances good for cleanliness, conveniences for physical vigor, capacity for the adjusting of ourselves to our surroundings, or of the surroundings to ourselves, multiply and meet the objects sought, if only the skill that can adapt is recognized and employed. The science of right living is known better than the art is practiced. Laboratory men, engineers and physicians, have done better than they are credited with. The trouble is that the average intelligence of the people or popular knowledge has not kept pace with the provision of students and scholars on these lines, and that *skilled labor*, because of the absence of industrial schools or some form of apprentice drill, is not always easy to command. There is far more lack, too, in our ability to conduct sanitary practice in an administrative way, because of embarrassments already referred to, than there is in knowing how to accomplish what we wish, if only we could be allowed to do it on the merits of the thing attempted.

The fact is, life, with all our talk about it, has not a very high value on this American continent. We know a grand jury that, to the horror of a just judge, hesitated to present a man who was well proven to have disposed of an infant of a few hours, because it was very young and he had many children. We know of another man who complained of his medical attendant as to his bill, and when he said, My charge is low enough for that of a cattle doctor, said "it ought to be lower; for my cattle have a money value but my children have not"; and this in the face of the fact that Massachusetts statistics show that in New England most families aid more than they cost, in the support of the household, before the age of twenty-one.

Not long since I overheard one of two little girls of not over nine, on their way to Sunday-school, say: "Do you know Mrs. Boice's baby is dead." "Well, it is a good thing," said the other, "for when Mrs. Jones lost her twins I heard somebody say that she and the children were both better off." There is somehow a not always concealed feeling that the slaughter of the innocents

is one of the feasible limitations of population, even though it comes through watered milk, stale food, reeking tenements and ill care. Men moralize over these survivals of the fittest, and limitations of life, as if the Infinite Father had something to do in a conservative way with the breaches of his holy, just and beneficent laws. It seems to me we feel thus the more because, forsooth, emigration will make up the deficiency. All this is as bad in philosophy and in national thrift as it is in morality; not only because the same causes which kill these enfeeble the living and bleach out heredity, but because all that hygiene and sanitary science mean and all they can do to prevent disease and to appreciate life, are essential to any real progress in the objects which such an association as this represents. We cannot leave out of consideration the health care of population in all that it requires, as to legal enactment, as to statistics, as to the profoundest impression of its inexorable necessity on the popular mind, without leaving out one of the great arches on which we seek to build as upon sure foundations that superstructure of continuous life which we call a nation.

Next to household care, I am sure you will place the care of young life in its process of educational training. As sanitary instruction to adults is so often directly at war with habits already formed, and with prejudices imbibed, there is no very great expectancy of radical improvement in the *personnel* of the full-grown population. To instruct adults in anything physical so as to affect their habits is a difficult task. The chief hope in educating an adult is not in the change of his habits, but in impressing his judgment and opinions so that by precept, if not by example, he will inform the rising generation.

For these and many other reasons a large part of sanitary effort should be directed to those who are yet in young life.

It is because of this that instruction in physical life, as related to and modified by surroundings, should take its place as an important study. We do not mean that patronage by which the teacher in every department speaks prettily and well of hygiene, or which leads the higher schools and colleges now and then to invite somebody to give a lecture on the subject. It is training, drill, education, recitation that are needed. It must be as accurate and as precise, and in as skilled hands, as teaching in grammar or in arithmetic. Just as there are many who know these, who are

not fitted to teach them, so a general knowledge of physiology and hygiene does not prepare for the drill that is required.

We never recur to the enthusiasm with which Frœbel, Horace Mann, the elder Seguin and Canon Kingsley insist upon the rôle which physical education must bear in a system of education, without a feeling of some mortification that so many teachers are unconsciously making for it such a narrow sphere. It is divided up and assigned in the most accommodating way among those who, if others attempted to fill *their* special departments with similar agility of preparation, would be loud in their cry of speciality and incompetency.

It is not even physiology that is needed half so much as teaching in hygiene which shall direct as to the uses of the senses and the limitations of their use, the law of muscular activity, the relations of food and force, the sources of disease, the dangers that beset life in country and in city, the disabilities which are to be provided for and guarded against, the laws of heat, of ventilation, of the flow of air and of fluids, of the changes of organic matter, of scores of items that come distinctly into the body of doctrine and duty which constitutes hygiene. One or two colleges in all the land have given this distinct recognition to the subject; but our systems of public education are far behind in this respect.

The truth is, that, with all our congratulatory talk about the public school systems of our States and cities, they are among the most inflexible of all institutions. Fostered by the public money, and easily glossed over by the fact that the popularity of the cry for popular education serves to screen from close espionage fossilized boards of education and routine instructors, it is practically very difficult to give to teaching in political science and economy, in social science, in physical education, and in industrial arts such recognition as the present wants of society demand. Little annexes are arranged to meet local clamor, therefore, with the thought that it is temporary enthusiasm which will soon die out, and the felt, though not uttered, resolve is, that the old curriculum is perfect enough, and that innovation is not to be tolerated.

It may as well be borne in mind that the public school systems of Prussia, of Holland, perhaps of Sweden, are in advance of ours, and that England is pressing us very closely. Until the public demand in these matters takes the shape of a legislation so definite as to define or provide for the methodical training in such branches,

we have little hope of more than talking, lecturing and patronizing, which do not amount to disciplining or drilling, and so are incompetent to secure bodily vigor. But physical vigor "so far underlies soundness and sufficiency of mental culture, that hygiene will yet be recognized as a fundamental element of common school education."

Next, there is need of an enlargement of vision as to the scope of the subjects included in hygiene.

It is always the case that any science or art, which is regarded as so simple as only to need a few weeks of reading in order to secure teaching ability therein, gives the impression of narrowness.

To too many all sanitation is but the announcement of a set of rules and suggestions as to a few common things in the conduct of human life. So far from this, it has a breadth of meaning, a wealth of material, and an extent of acquirement which fully certify it both as a separate science and a practicalized art. Some other sciences have come quite to realize this, because of the gifts and offerings which they have contributed, and the necessity that these have realized for a special class of students who should grasp and appropriate what is offered, and fit it more precisely to human needs. In this way chemistry, histology, botany, zoölogy, mechanics, natural philosophy, psychology, and various other departments have advanced with their offerings, and not a little has been done by the votaries of these to suggest or to adapt them to the demands of human life and welfare.

The laws of life, their *modus operandi*, the laws governing animate and inanimate life as related to human life, the relations of all organic matter, the modes of its discord or adjustment, and many other subjects are found of essential interest and bearing.

Biology, in the fulness of its meaning, has to be studied exhaustively, if for nothing else, because of its bearing on human life. Every phase and step of existence must be closely defined, so that, alongside of it, we may study all influences that are operative thereupon. Thus the outline of the study is very inclusive, and cannot be dispensed with. In the single department of etiology, or the causation of disease, it is marvellous what developments we are having, and how they are already utilized in the limitation of disease. The study of epidemiology has become an inspiration, because of the microscopic surprises it furnishes, and of the minute, yet successful, experimentation which has resulted.

By easy recognition of disease, by attenuation, asepticism, and by isolation, we have today mastery over epidemics, which is inspiring to any man or board fortified by laws sufficient to enforce a wise and competent sanitary jurisdiction. The study of modification of type, perhaps of hybridization, and of all the details of minute plant life, as related to disease, is like awakening with eyes magnified to the observation of the minutiae of an infinitesimal botany and zoölogy. We find ourselves in a garden of contending plant life and animal life so prolific and so imminent in all that relates to our lives and health, as that a very stoic would arise and enter upon classification and description, with a view to the relief of human suffering and the prevention of invading disease. The chemical forces are not less interesting in their study or important in their bearing on vitalization and devitalization. It is the province of hygiene to define and exhibit what perfect living is, so far as it concerns the physical life, what are the forces against which it has to guard, and what are the deliverances which human knowledge and foresight can secure. The relation of all industries to health and law, the evils of trades and occupations are to be summarized. The structural and mechanical arrangement of all receptacles and conduits for the safe carriage of house *debris*, are specimens in another direction of inquiry, whose limits are not yet imagined. Fields broad enough for the social scientist, the physician, the philanthropist. Indeed, in all the range of the sciences or of the arts, you cannot touch themes more intimately blended with the every-day life of society, with the question of self-preservation, of happiness, of *welfare* in its largest, broadest, grandest sense.

There must be recognition, study and practice, commensurate with such a height, breadth, length and depth of meaning. While this Association recognizes it as but one amid many other departments that have to do with the vital concerns of society, it can insist upon it as so basic in its position, as so indispensable in its appreciation, as to claim for it prominence in all attempts to adjust life so as to secure that highest welfare which the interests of society, not less than those of the individual, demand. The God who made this body a temple, and adorned it with all manner of precious things, made it also to represent what fealty to law can do for its well being, and what a breach of law can do to frame mischief or iniquity, which expresses itself in physical, as it does in

intellectual and moral debasement. The God-like, the Christ-like in humanity, must be taken care of in accord with the law of our being, as well as that of revealed will, and then shall we behold a harmony too often obscured by a lawlessness which has become so common as to be mistaken for the original fiat and stamp of the Almighty. The section which, on this occasion, I have the honor to represent, has found itself led by force of circumstances to give prominence to three subjects :

Inebriety, in its influence on society as well as on individuals, and on the penal and dependent classes, is a theme so forcibly intruding and projecting itself into the very vitals of social, civil and economic art, as it concerns the State, that it almost passes from the domain of the moralist, the psychologist and the philanthropist to that of the sociologist, the political economist, and the statesman. Grave questions are now being raised as to what are the theoretical, and what are the practical, ways in which to deal with it. Shall we attack it *ab initio*, or go a gunning at it by a kind of guerrilla warfare? Shall we treat it as a disease, a frailty, or a crime? While we are not of those who would emphasize it as to be dealt with from a civic standpoint as primarily a disease, yet it is well, as with all crime, to look at it from the physical and social, as well as the moral, standpoint.

The logician who holds his equilibrium amid the laws of the physical and the immortal, and recognizes each superior in its sphere, and each independent somewhat of the other, does not kill with the letter the spirit that giveth life. Practically, we need great study and great observation to find out what is the practical thing to be done with inebriety as an enormous disturbing force in social and governmental life, as an explosive whose dynamic capacity is as dangerous in the new United States of America, as slavery was in the old. It carries with it so much breach of law, so much that is solemn and burdensome to government, so much of responsibility that is avoidable, yet actual, that we do well to allow it to be considered by able authorities, and to be presented for your valuable discussion. As there are those who would deal with it as primarily a disease, we give to this view a hearing.

Insanity has before been up for your consideration in its bearing on social life. The unmistakable increase in the causes that produce it, has given to American nervousness an application almost as if the average American had a special distribution of nervous

filaments and a superabundant nervous organization. The rush of travel, the rapid methods of business, the strain of routine labor, the crowding of office work, the drive of machinery, the unvarying monotony of the calculator, the telegraph operator, the telephonist, the sewing machinist, and many other industries, of which these are but technical specimens, together with the wild effort to get wealth, or to keep up with the times, or to make a living (no simple thing in these times when living respectably means so much), all these and other forces, tend to drive mind and matter alike out of shape and out of propriety, and to confuse both in the wild turmoil of unbalanced existence.

Palatial asylums, modified retreats, and the tens of thousands of homes that have some member not quite ready for these, and yet, by reason of disordered sensations or deranged correlation of parts, unfit to go two-handed, single-hearted, and level-headed into the conflict of life, too plainly tell us that there is work for social science, and adjustment for social art behind the discords of the world's great stage. How to prevent all this, is a subject that touches the heart-strings.

3. The *sanitary requisition of our dwelling-places* includes within its sphere most important questions of civil and domestic life. While at this session we only attempt to introduce it, we trust that we shall draw such attention thereto, as will lead to a closer study of all locations, of structural conditions, of the embarrassment or impediment to healthy household life, whether in hamlet, summer resort, city home, or boarding and hotel caravansaries. As to it, we have had abundant generalization and advertising of evils.

What we now need is the specific enunciation of safeguards, many of which are known. Still more we need to know, how by skilled aid to secure the doing of what we do know, that thus the vigor of life may be maintained, and that it may be converted into such force and productivity as will tell upon human progress and the promotion of human happiness and usefulness.

Great errors in household conditions have their origin in the use of undrained ground, in imperfect material and structure of buildings, in the modes of introducing the various conduits or pipe systems which now are a part of the habitation and that want of sanitary inspection during construction, which will prevent the covering up of unskilled work. The social compact and its welfare, are so concerned in this matter, that good government, not

less than good health, requires an oversight at the beginning instead of a constant activity without insight or a tinkering with evil results.

These, ladies and gentlemen, are themes incidentally chosen from the wide extended field which deals with human health as a factor in social science; subjects which must have the most philosophic and practical consideration if we would carry forward the nation to a capability to meet the growing demands that are made upon it for sound bodies, sound minds, and healthy characters.

So sure as the reign of law is the grand fidelity and constancy that pervades the universe of God, and forms the nexus of which all human law, called government, is but a copy or an attribute, so sure is it that we must find out and follow out in the individual and social life those laws of health which pertain to the compact not less than to the individual.

Only so shall we avoid penalties which are as sure in the physical as in the moral government of the Creator, and come to know for the nation, by knowing for the man, the woman and the child, how integral and essential to social and civic existence is the full realization and meaning of these words, *to be*, and *to be well*, which our good mother-tongue has joined with a hyphen and made grandly strong in that word of profitable thought and enormous meaning which it calls *well-being*.

II. PHYSICAL TRAINING IN HOMES AND TRAINING SCHOOLS.

By Prof. D. A. SARGENT, M. D., of Harvard University.

(Read September 4, 1883.)

It would seem that the country had, at last, become convinced of its physical degeneracy, else why so much devouring of physiological and hygienic literature, and why so much of this kind of literature to devour? The practical interest in health subjects, however, is not commensurate with the theoretical knowledge that is afloat concerning them. Much of this apathy is due to the character of the literature under consideration. In most of it, we find no agreement of opinion on special topics, no attempt to give individual instruction, no effort at classification, and are forced to conclude that the authors drew their inferences from their own limited experience. As each one differs from every other in his physical requirements, so each one differs from every other in his opinion of the use of physical exercise, and of all agents of health. The records of hospitals and asylums bear testimony to the fact that without physical exercise some persons may exist and enjoy health for years. Yet all the great medical and educational authorities in the world have dwelt upon the importance of physical exercise as an agent of mental and bodily development.

The thinking minds of today accept the conclusions of the sages as to the value, but differ as to the kind of physical exercise. Whenever an attempt has been made in America towards systematic bodily culture, it has been in the line adopted by Germany, England and France. In the West the German system predominates. The French is largely taught in the fashionable seminaries of New England, and the English sports are almost confined to the higher schools and colleges of the eastern and middle States. In each of these systems, as adopted in America, you will find the same defects that are now being recognized in the nations of their birth. Germany, tired of the stereotyped exercises of the Turnverein, is making a plea for sports and games. England, wearied with athletics "run wild," is attempting to substitute a rational system of exercise for competitive sports and games; while France and Sweden are beginning to realize that calisthenics and free movements, though aids to the graces, afford very little exercise as such. No one will deny that Germany, England and France have each done much for the physical development of their

youth—in fact, the peculiar system of exercises adopted by each nation has been the means of intensifying, as it has the outcome of, the national type. In the deep-chested frame, the melancholy disposition, the unity and solidarity of the German youth, we recognize the effect of his favorite apparatus, and of the posturing of the *turn-platz*. In the lithe and graceful figure, the vivacious spirit of the French youth, we see the effect of calisthenics and light gymnastics; while broad shoulders and heavy limbs, backed by dogged pluck and endurance, characterize the English youth. Wellington knew the value of competitive sports when he said that Waterloo was won on the play-ground of Rugby and Harrow. What was thought to be the strength of each system proved to be its weakness. Until it was more practised and had begun to receive more attention, the special tendencies and peculiar developments of each were not manifest. The advancement of an art is attained at the expense of individual completeness and harmonious development. When the accomplishment of particular feats is made the primary object of physical training, the result will be injurious to health.

It is impossible to enlarge upon this point at the present time; to do so, it would be needful to consider the physiology of exercise, and examine in detail the defects of the national training systems. Germany's plea for athletic sports, and England's call for more methodical exercises, are indications that America should profit by. The system of each country now gives to its youth that which he hath, and, from him that hath not, taketh what he hath. We want the combination of these systems, all regulated, systematized and adapted to our peculiar needs and institutions.

The highest development of strength, activity and grace, is not compatible in the same individual—health being maintained only in a body in which life's forces are well balanced. The tendency of all progress is to break down this equilibrium, and to make a man a unit in a great organism, in which he is forced to fulfil some specific function for the benefit of the whole. The *external* struggle for existence no longer requires a strong, well-developed man. The division of labor makes it possible to earn a livelihood by the employment of a very few muscles.

Once man's occupation furnished him all the exercise he needed; now he is obliged to trust to other resources for healthful exercise. Political economists recognize this evil, but look to gymnasiums

and athletic sports for employment of unused faculties — forgetting that these institutions are governed by the same spirit that governs the world at large. The motives for physical effort back of our gymnasiums and athletic associations, are a passion for excitement, a desire to accomplish some great feat, to win a prize, and gain celebrity at all hazards. These motives often incite many a listless man to effort, and are not in themselves unworthy. But when we consider that the object of Physical Training is the full-orbed and harmonious developing of the whole organism, that health and the capacity to work are the things to be desired, it will be seen that there is an inconsistency between the object to be attained, and the methods of attaining it.

Specializing in athletics will prove as injurious to health as specializing in business. Raising the standard of a game limits the number that can play it, and reduces its value both as an exercise and a recreation. Making victory the primary object, and health and development secondary considerations, opens a way for professional trickery, exacts more work than is necessary for the welfare of the body, and invites dissipation after the victory is won. These are the unmistakable tendencies which threaten to make some of our popular physical exercises sources of evil rather than of good. To prevent this tendency, and to make these powerful agents contribute to the upbuilding of character and the development of the physique, are worthy the consideration of all.

Inasmuch as our college students raise thousands of dollars annually for the support of athletic organizations, it might naturally be suggested that the reform begin with them. But, having stood at the door of one of our largest universities, and examined hundreds of youths as to their health and physical capacity, we are prepared to say that the reform should begin in homes and preparatory schools. Students enter college trained in mind but not in body, and where ten break down for want of body, one breaks down for want of mind. Many below the average in size and strength make rapid progress under favorable conditions, showing that their bodies were kept in arrears while their minds were developed. This class of students, though standing well in school, not infrequently take a dislike to books upon entering college, and devote most of their energies to athletics. Others are ignorant of the first principles of physiology and

hygiene, and leave school with acquired defects which a little appropriate knowledge and training could have obviated.

If you approach the teachers on the subject of physical training, most of them will tell you that the school curriculum is made up of so many studies; that they have so many hours to teach so many branches, and so many months to fit a youth for the next grade; and that if a pupil break down in his attempts to keep up with the requirements, he must drop out and let his parents and physicians take care of him; for they hold that the teacher's province is to train the intellect not the bodies of his pupils—unmindful of the fact that the intellect is sustained in its function by the same heart, lungs and stomach that keeps the body alive—and, aside from this, that ninety-nine out of every hundred that graduate from our public schools must necessarily earn their livelihood in occupations where health, with ordinary intelligence, will count for more than highly developed intellects without the sound physical basis. Inasmuch as millions are expended annually upon the education of youth, who either break down in preparing for their life's work, or are rendered inefficient, all for the want of health, it would seem that physical training, in its broadest and noblest application, should form a part of the regular school curriculum.

But such a training is not to be procured simply by making physical exercise a requirement. There must be intelligent direction behind it; a thorough knowledge of the human organism, and a wise adaptation of means to ends. This can only be secured by creating a public sentiment that will place a medical supervisor at the head of every school in the country. Shame upon the civilization that puts a premium upon sickness, suffering and death, and compels the physician to sit in his office and wait serenely for the onslaught of disease, which a little timely advice from him could have obviated. The highest province of the physician is to improve the hygienic conditions of the individual, the sanitary condition of the community, and to prevent disease wherever it is possible.

In order the better to discharge his humane office, he should frequently be invited to examine the children and their surroundings. He should be familiar enough with a healthy body to know one when he saw it. He should be educated to deal with physiological problems, before they become pathological. His work should be supplemented by the intelligent coöperation of parents.

They should know something of the lives of their ancestors, and of their mental and physical characteristics, their nationality, occupation and the healthfulness of the town or city in which they were born. Parents should note the same facts with regard to their own lives, keeping a history of their accidents, diseases, and mental and physical conditions before and after marriage. The same information and more should be recorded respecting the lives of the children. The weight should be taken at birth, and the head, body and limbs carefully measured. This process should be repeated once a year at least, through the whole period of growth and development. The various stages of dentition should be noted, the age at which the child begins to walk, the resemblances to father or mother and the dawning of hereditary traits.

After three or four years the relative proportions of the different parts of the body should be determined, and the annual rate of increase in height, weight, strength, chest girth, etc., should be carefully ascertained and recorded. A history of the children's diseases should be kept, and the peculiar tastes and idiosyncrasies that accompany them. The first appearance of morbid tendencies, perverted growths and malformations should be noted, and judicious efforts made to correct them.

In early life a child should be taught to respect his body, to pride himself upon the purity of his skin, firmness of his muscles, and uprightness of his figure. If the house be provided with a play room or a family gymnasium, well and good, if not, under the skilled directions of an enthusiastic parent, the doors and windows, chairs, tables, stove, beds, etc., may be made to furnish appropriate exercise for the youngster. The will is wanted, that is all. With some children, it is better to trust largely to the play impulse, being careful to direct it into proper channels, and to keep it within bounds. Once inspire a boy with the idea that strength depends upon health, and both upon exercise and the right care of the body, and you have lifted from his heart the burdens of labor, and taught him the practical value of cleanliness, temperance and self-mastery.

Let a few enterprising families carry out this regime for a while, as they have in England and some parts of this country, and a public sentiment will soon be aroused that will carry the good work into the schools.

This condition of affairs would presuppose the appointment of

medical supervisors with their trained assistants or teachers skilled in physiological science—and well equipped gymnasiums and play grounds. To such a school send your boy at the appropriate age, with his established record. A physical examination would be necessary at the outset, to determine how to classify him with others.

If the physician in charge has had any experience in his position, he has computed his tables, and knows the normal condition of the mean or average boy for every age, nationality, class in life, etc. The family record will give him important information concerning your boy in particular.

If the school be founded upon physiological principles throughout, a comparison will be made at once between his mental and physical standing, the time of previous study, etc., being taken into consideration.

From the data ascertained it will be possible to form a fair judgment of the boy's present condition and capacity. The course to be pursued will depend largely upon the results to be realized. If the object be to make the best of the boy as a boy, all things being considered,—to make him master of himself, and train him to be a healthy, vigorous, well developed man, the object is worth striving for. But, unfortunately, nature has not dealt equally with all. Some she has richly endowed with splendid gifts, to others she has left only a terrible inheritance of evil. To some she has bequeathed health, strength and ability to work; to others disease, feebleness, and capacity to suffer. For some she has opened up glorious possibilities, and paved the way to grand and lofty achievements; over others she has placed her cruel restrictions, and established barriers which never can, with safety, be surmounted, physiologically speaking. Men are not created "free and equal;" let each boy accept his limitations manfully, and be true to his own type and organism.

Knowing the true condition of the individual, and the training most suited to his particular case, it is necessary that the physician in charge have some knowledge of the methods and appliances by which specific results may be attained. This knowledge, to a limited degree, is possessed by professional trainers and prize-fighters, but has never had the attention of educators and men of science.

No physical exercises are better adapted to school purposes than those furnished by the appliances of the *modern* gymnasium.

The grand aim of this institution is to give a boy a well rounded, harmonious development. With this end in view, it is supplied with apparatus especially designed to strengthen natural weaknesses, and remedy natural defects. On many of these appliances the condition of the vital organs may be affected by changing the time of application, resistance to be overcome, and the rate and manner of movement.

In order that each one may be working within his capacity, the apparatus can be adjusted to the strength of the strong, or the weakness of the weak.

But the gymnasium does not stop in its usefulness with the strengthening of local weakness, and the relief of natural or acquired defects. It affords an admirable opportunity for exercise to those who are naturally strong and well, and are desirous of keeping so. It can be adapted to the use of large numbers, and all its exercises can be carefully regulated, systematized, and arranged in progressive series.

Being protected from the inclemency of the weather, the system can be carried on without interruption through most of the school year, and be made highly educational.

The periodical examinations and measurements which should furnish the basis for such a system, should also determine its direction and limitation, in special cases.

If the gymnasium is not properly equipped, and the pupils are obliged to adapt themselves to the crude appliances with which these institutions are usually furnished, it will fail to meet the wants of the classes most needing its training. Or, if the examinations are dispensed with, and the accomplishment of feats, the winning of prizes, and the gaining of popular approbation, are made the chief incentives to effort, then the gymnasium will become a training school for specialists; the great majority of pupils will want a motive for faithful work, and the primary object of its existence, — the symmetrical building of the body, would never be realized.

Though it affords the best means of physical training, from the educational standpoint, the gymnasium is not complete in itself. The monotony of its movements should often be relieved by recreative sports and games. But here you enter the realm of special exercises, and they should be used judiciously.

Bowling, lawn tennis, and hand ball tend largely to develop the

muscles of the lower extremities, and right arm and side. So do base-ball, cricket, and lacrosse.

Swimming is an admirable exercise for the special development of the lungs and chest, and a capital general exercise for most of the muscles of the body. Foot ball, for those who are tough enough to stand it, is the best of all games for the development of the system at large. Rapid walking and running brings a great many muscles into action, but especially those of the calf and thigh.

Rowing with the sliding seat furnishes employment for the muscles of the legs, arms and chest, and, like running, is an excellent exercise for the improvement of respiratory power. Horseback riding, bicycling, skating, canoeing, and some of the exercises mentioned, are powerful specifics, and furnish the best exercise possible for certain conditions.

Many of the so-called physical exercises, like military drill, owe their value in education to the moral training and discipline they exact, and not to their effect upon the development of the body.

In spite of the advancement of science, and the promulgation of physiological knowledge, — to say nothing of our daily experiences, — one-half of the world seems to think that bodily exercises affects only the muscles. Yet, did the time permit, it could easily be shown that not a few of them give more employment to the brain and central nervous system. In this very fact lies one of the dangers for educators to encounter in the development of competitive sports, and highly artistic games.

Unless our schools and colleges are prepared to recognize in the important qualities attained by athletic training, an equivalent for a certain amount of mental work, the time given to athletics, and the nature of these sports, must be regulated by the same authorities that make up the school and college curriculum.

Advancement in the standard of scholarship, and advancement in the standard of athletics, cannot be made in the same institution, by the same students, at the same time.

There is a limit to human development in one direction. Muscular exercises requiring a great expenditure of nervous energy do not give the student's brain rest. Races that are rowed in anticipation, games that are played in school and out of school, victories that are won in dreams, are all accompanied by nervous excitement that is not inducive to calm and quiet mental research.

At the same time, the value of competing sports must be recognized. When kept within bounds, they are valuable aids to discipline, and tide the young over a dangerous period. They develop presence of mind, coolness, courage, patience, and call for a rapid and responsive exercise of judgment under trying circumstances. These are qualities well worth cultivating.

The medical supervisor should know these facts, and more, — he should know the specific value of all exercises and games as a means of development, and be able to judge of their physiological effect upon different constitutions and temperaments. Armed with this knowledge, and the data obtained from the examination of the individual, a course of beneficial physical training can easily be prescribed. If, in conjunction with such a course, a little practical advice be given with regard to diet, bathing, sleep, and other health topics, its value will be greatly increased. Add to this the moral effect of having physical training made a part of the school curriculum, and you have entered upon a work which will not only tend to the physical improvement of the race, but which will also add to it intellectual and moral advancement.

III. THE TRUE "HIGHER EDUCATION," OR PROPORTIONED CULTURE.

BY W. CAVE THOMAS, ESQ., OF LONDON, ENGLAND.

(Read September 4, 1883.)

Men talk, and write, about the subject of education, as if its principles were already established on a solid scientific basis. They build upon the ground bequeathed to them from mediæval times, without taking the slightest pains to examine whether it be quicksand or rock. The theory of the modern scheme of education, if this can be said to have any theory, has not the faintest semblance of scientific precision. Exact *quantitative* analysis, the unfailing evidence of true science, is not to be found in its statements. Rule of thumb prevails. According to modern notions, that is the *higher education*, which includes the greatest number of subjects in its curriculum. The leading educational aim of these days would appear to be that of *cramming* as much knowledge as possible into a man; a process which dissipates intellectual power, and produces shallowness. Yet, it is by this very process that the intellect of the, so-called, "civilized world," is being marred. With this egregious fallacy of "cramming," as an educational means, is associated another quite as absurd, viz., that of cultivating the natural *bias*, or bent, of the student. The two leading notions then by which the modern system of education is actuated, are (1), a belief in the efficacy of a great quantity of knowledge; that intellectual power is increased in the ratio that the number of subjects committed to memory is increased; and (2), that genius consists in the dominance of some natural *bias*, or bent, of some abnormally exaggerated development. Whereas, the Science of Education, when thoroughly worked out, as I have worked it out, shows both assumptions to be erroneous, and that they lead to a waste of vital power, and a misuse of the human faculties. The true Science of Education is nothing more nor less than the enunciation of the laws of the right distribution, and use of vitality; and, according to this science, the true Higher Education is that which has for its aim the economical or proportionate use of all the faculties; that proportioned culture, or training calculated to effect the *symmetrical* development of all the faculties of the intellect, and

of the physique. The true science of education inculcates the paramount importance of endeavoring to form the man intellectually and physically, as a perfect instrument of thought and of action. But, alas! the world will try, "how not to do it." There is a perpetual crying out for an extension of the curriculum of study, for more and more top-hamper to be piled upon the brain, this being the means, according to vulgar notion, for achieving the higher education. The erroneous notion, that every subject of study requires a different kind of faculty for its pursuit, probably lies at the root of this craze. Educators have not yet learnt that every science requires precisely the same intellectual faculties for its successful prosecution, viz., observation, memory and reason. Knowledge, (the stores of knowledge,) should be regarded merely as materials for the use of the intellect, and not as in themselves, when garnered in the memory, constituting intellectual power. And it should be steadfastly borne in mind that knowledge itself can never be properly utilized unless the brain be developed into a perfect intellectual instrument. We could safely trust the possessor of a brain thus developed to choose his own reading, and we should also feel assured that whatever work he should put his hands to, would be done in a right, workmanlike manner. To effect that complete cerebral development should be the chief aim in the education of the intellect. This is that educational thoroughness of purpose which would ensure excellence in every department of study and of labor; yet, the world vainly hopes to arrive at the same results by some new fangled, clumsy and costly scheme of technical education.

Let us now encounter the second fallacy we have alluded to, viz.: that of cultivating the strongest bent or bias. The very use of the word bias, either in reference to the intellect, or to the physique, implies some natural specialization or disproportionate development, that ought in itself to be sufficient to deter men from attempting to increase what is already in excess; for, according to the laws which regulate the economical distribution and use of the limited power in living beings, power cannot be used to excess in any special direction, in a living organism, without some other portion of that organism being deprived of its due of exercise, and of development. A principle more fatal to intellectual and technical excellence than that of cultivating the strongest bent, could not well be devised. Dr. Johnson defined genius as "a mind of

large general powers, accidentally directed to some particular study."

"That strain I heard was of a higher mood!"

and ought long since to have shaken the world's confidence in the culture of natural bias. For a mind "of large general powers," is to all intents and purposes, the proportioned mind. But not only do we find Johnson recognizing the proportioned as the right intellectual constitution, but also Shakespeare and Macaulay, without in the slightest degree shaking that educational heresy, the belief in the cultivation of bent, which is but another title for one-sidedness. Shakespeare, for instance, in setting forth the principle of excellence in Brutus says, "The elements were so mixed" (*i. e.* proportioned), "in him, that nature might stand up and say, this was a man!" And Macaulay in writing of the men of a certain eventful period of English history, says: "The constitution of their minds was remarkably sound; no particular faculty was preëminently developed, but manly health and vigor were equally diffused through the whole."

This perfectly conditioned, or proportioned intellectual constitution, as conceived by those great authorities, is a very different thing to the all-roundness of popular conception, and which it is thought may be produced by forcing into the modern student's and victim's head, the entire cycle of knowledge. The teacher of today has, somehow or other, come to imagine that all-roundness is to be the result of cramming every kind of knowledge into the brain, whereas, intellectual symmetry is only to be developed by the proportionate adjustment of organization of the several faculties of the intellect by a judicious system of formative training.

Whether man be regarded as in decadence from the proportioned manhood of the creation, or, according to the hypothesis of evolution, as progressing towards that symmetrical, or proportioned condition, that symmetrical constitution of the human nature is really the ideal to which, by the Christian doctrine, he is to be restored, and by the scientific, he is to be progressively developed. The modifiability of organization, which would render either restoration or progressive development possible, is by the one doctrine virtually, and by the other absolutely, admitted. Should not, then, the education, the training, which has for its object, the development of the proportioned manhood, be esteemed as the true higher education, rather than either that which seeks to cram with

knowledge, or that which seeks to exaggerate any natural bent or bias? The endeavor to exaggerate any natural bias, is, in plainer words, the endeavor to increase some congenital and, possibly, inherited disproportion.

Professor Allman, in his address to the British Association for the Advancement of Science, said: "Whatever may be that mysterious bond, which connects organization with physical endowments, the one great fact, a fact of inestimable importance, stands out clear, and freed from all obscurity and doubt, that from the first dawn of intelligence, there is with every advance in organization, a corresponding advance in mind." If, therefore, with every advance in organization, there has been intellectual progress, the true aim of education should manifestly be the improvement of organization. If education fails to do this, she fails in one of her most important missions; but, if she not merely fails to improve organization, but, by the wrong means which she adopts, actually deteriorates it, she really undermines and weakens the human intellect, and the result must inevitably be mental decadence instead of progress.

An educational system, having a formative, or proportioning aim, is the more imperatively required, as the artificial life of these times is the source of numerous kinds of human deterioration and deformation. There are outward and visible signs, too, that the world's educational system is not doing what was expected of it. Men have no longer the grip of thought that their predecessors had when schools and colleges, as well as the subjects taught, were fewer. Mankind is becoming more and more intellectually superficial. I shall, therefore, follow up the preceding remarks with a brief exposition of a system of symmetrical training,* designed to develop intellectual and physical completeness. The perfect efficiency of the human mind and body decline, necessarily decline, as men become disproportioned. Disproportion is the fundamental characteristic, the essential characteristic, of all the ills that afflict the world.

We have summed the purpose of the right, or higher education, in one general expression, "The Development of the Proportioned

* NOTE. See *Symmetrical Education*, by W. Cave Thomas, published by Messrs. Smith, Elder & Co., 15 Waterloo Place, London. Since the publication of this little work, the author has wrought out his views more completely in papers read before the Social Science Association, and the Ascham and Education Societies.

Manhood." If there be the slightest doubt about the correctness of this generalization, test the converse for a moment, and for the sake of argument, viz., that the true aim of education is to develop disproportion in men. The absurdity of such a doctrine, when thus undisguisedly stated, is at once manifest. Nevertheless, however, this is virtually the principle on which modern education is conducted, when it cultivates, and still further exaggerates natural bent, or bias; for the word bias, as we all know, implies a *list* in the mental constitution, either a faculty, or a set of faculties, out of symmetry with, and disproportionate to the rest. Now, if we take a general survey of animated nature, man, as compared with other beings, is more symmetrical or proportioned in his organization. This more generalized, or balanced constitution is, therefore, man's distinctive characteristic; in this inheres that superiority which constitutes him lord of the earth. The very inferiority of other creatures consists in their more specialized, or biassed organization. Notwithstanding this fact, however, the constantly increasing tendency of modern educational measures, is towards specialization, whereas, man is most man, when he exhibits the least degree of bias, both in mind, and in body; that is to say, when he is, in every respect, the proportioned man. The endeavor to specialize the human nature is, therefore, a retrograde educational policy; it means either in a lesser or greater degree, decadence.

A man in any way disproportioned is, as a human being, an imperfect mechanism; how, then, can that perfect work, so loudly clamored for, be reasonably expected from him, when, to make the case worse, every educational means is used to increase that disproportion? Why do we not endeavor to correct mental disproportion in the same common-sense way that we do physical deformity?

To Greece has the crown of preëminence been awarded for the highest kind of workmanship; and why? Because the Greeks must have understood the master science, the science of proportion; a science that I have attempted to reformulate. In all Grecian work, proportion is manifest. And, when we shall come to comprehend fully the purpose of the Olympian and other Grecian games, I believe we shall find that to have been proportioned culture; on no other condition could those celebrated gatherings have aided her to obtain her supremacy among the

nations. That supremacy has never been rivalled, much less transcended. Uncontrolled athletics would not have been of the slightest use to that end, nor would they have contributed to the excellence of Grecian sculpture. Depend upon it, that Grecian athletics, as Grecian art, were controlled to an end, and that end was the proportioned. Proportion is not only the basis of art; it is the basis of education; it is the basis of conduct; it is the basis of politics, and it is the basis of natural religion. The proportioned is, in short, the goal of progress in the universe.

When we come to reflect upon, and to deeply ponder over the matter, too, we begin to perceive that this proportioned or ideal humanity which we have affirmed that it is the true aim of education to develop, is really the definition of that humanity which is said to be in the image of the Creator—is that Divine humanity in which genius inheres; so that in endeavoring to conform the manhood of a nation to that proportioned or ideal standard, education would be, in every way, advancing, not only the best interests of the nation, but of the world; instead of which, the present system of education tends to develop one-sidedness, intellects exhibiting various kinds of eccentricity, so that the cultivated world goes awry, flies off at a tangent, and from the true orbit of excellence and of progress.

The Grecian civilization was, as I apprehend it, distinguished from all others by its formative system of education or training. The Greeks not only applied the science of proportion to painting, sculpture and architecture, but to the development of living human beings. Their education, as their sculpture, was Pheidian. They moulded flesh and blood, as well as the marble, to the proportions of the beautiful. The Greeks were, fortunately, free to pursue this aim without let or hindrance. They were unencumbered by those vast accumulations of knowledge of which we are so boastful, but which are, really, *impedimenta* to intellectual progress. Neither were there any classics to consume the precious hours of youth. They had neither physical sciences nor classics to mar their main purpose. There were alone, the National language, ethics, the mathematics, drawing, music and athletic exercises; a curriculum, nevertheless, sufficient to develop all the faculties, both of mind and body, during the most plastic and modifiable period of youth, towards their proportioned condition. The highly cultured Greeks did not, as the public of these days, gloat over the

exhibition of some abnormal gigantic special development; they loathed every form of monstrosity, and endeavored, by every means at their command, to so proportion the elements of human nature as to make the man. And their achievements as a nation are incontestable evidence of the rightness of the means they employed. Moreover, we gather from the educational system adopted by the Greeks, which was so different to our own, that the study of the classics and of the physical sciences are not essential to the intellectual development of man; nay, that the education destitute of these studies was better calculated to raise men capable of masterfully pursuing every great human aim. Men profess to study history. They only read it, and turn away from its pages without extracting the moral of its teachings.

You may exclaim, "Enough! we frankly admit that the development of the proportioned manhood is *prima facie* a reasonable doctrine"; but you might follow up this admission with the question, "Can it be accomplished"? This question has, in a general way, already been answered. The Greeks demonstrated that it could, in an eminent degree, be accomplished. Nevertheless, we shall endeavor, under three heads, to fortify the arguments we have already adduced in favor of porportioned culture. These heads are:

(1.) The Definition of the Symmetrical, or Proportioned Manhood.

(2.) Can Organization be modified, improved?

(3.) The Means for Developing the Proportioned Manhood.

(1.) *The Definition of the Symmetrical, or Proportioned Manhood.* If you were to place yourselves in a critical temper before some of the celebrated Grecian statues, the Apollo Belvedere, for example, and try your utmost to find fault with it, you would be dumbfounded, unable to impute either excess or defect to any of its proportions, for this statue is, by the consensus of the ages, the type of perfect physical symmetry. In like manner the intellectual form, if I may so express myself, should be in such just proportion that it should be proof against adverse criticism; this also, should be neither in excess nor defect in any single particular. The proportioned or ideal man, therefore, consists in the proportioned mind, in the proportioned body;—this is, indeed, but another way of stating the constitution implied by "*mens sana in corpore sano.*" But, instead of before the Apollo Belve-

dere, let us picture you placed in a similar critical mood before the gigantic statue of the Farnese Hercules, and you would at once be sensible that the Greeks had embodied in this statue the type of brute strength, of muscular excess. But the Greeks understood the laws of organic development too well to crown this too solid flesh with a cranium indicative of gigantic intellect. They knew full well that if vitality be run to muscle, the brain must necessarily be mulcted of its fair share of exercise, and of development. Just as when the vital force is temporarily transferred for either intense mental, or intense physical exertion, the powers of respiration, of circulation, and of digestion, inevitably suffer. In fact, whenever any faculty is overwrought, or inordinately exercised, some other faculty, or faculties, nay, the whole system, is thrown out of symmetrical gearing, and suffers to some lesser or greater extent. Any departure, in fact, from the proportionate distribution of the vital energy inevitably tends to disorganize the system.

Their insensibility to the principle of proportion causes the public to run into precisely the same error with respect to physical training as to mental. Their only ideal is quantity, gross quantity, in the nature of excess; and thus it is that we find the figure of the Farnese Hercules engraved as a heading to the circulars of their Athletic Clubs, encircled with the inscription "*mens sana etc.*;" as if it were possible that an incarnation of the Hercules could be intellectually as well as physically powerful.

The symmetrical, or proportioned, organization is that moderated constitution of the human nature, in which every faculty preserves a mean between its possible maximum and minimum developments. The proportioned manhood is, therefore, a synthesis of mean conditions, of all the human faculties in their mean developments. The method of averages is the method of modern science; and could we obtain precise measured data of the differentiations of every faculty in different individuals, we could accurately determine its mean, proportioned, or right development, and so, in the aggregate, the canon of the proportions, intellectual and physical, of the ideal man. The canon of the proportions of the beautiful human form can, indeed, be determined by this method, by the very same method by which the astronomer determines the true place of a star, viz., by an average of a great number of observations. If painters and sculptors would only be

at the pains, they would obtain the proportions of the *beau ideal* of the human form with a scientific precision that would render them quite independent of any so-called Grecian canon. Though I have myself a shrewd suspicion that the Greeks understood the method of averages, and that by this means they determined the proportions of their typical forms; by no other means, in fact, could reliable proportions be obtained. This method, it may be argued, would be all very well if used to determine the proportions of the physical, but how are we to obtain by its means the proportions of the intellectual form? "This," it will be said, "eludes precise matter of fact measurement." This argument, at the first blush, appears to have some weight, but when that measure of "fulness," to which each and every faculty should be conformed, shall come to be generally recognized, every faculty under the supervision of the judgment may be approximately developed to that measure. And we have to recollect as a principle of training, that in the ratio in which we increase the number of proportioned faculties in the human system, do we diminish the possibility of the remainder being developed to excess. It is on this account that controlled, judicious, physical training becomes a valuable adjunct to right intellectual culture. The proportioning of the physical faculties is an indirect means, by a reflex action as it were, of proportioning the intellectual. The predominance of the proportioned and healthy portion of the nature subjugates, by degrees, the disproportioned and unhealthy portion to right measures, to its own better conditions.

Every faculty is probably, not of equal import in the system, nor do all require an equal amount of vitality for their exercise, and their development. There is, doubtless, a disparity in those faculties which we cannot see or measure, analogous to that existing between the different sections of the physique. There is not only a great difference in the functions of head, trunk and limbs, but there is a great disparity in their bulks—nevertheless, the right development of each is the mean of all its possible differentiations in a species *homo*; the mean form of a species in its typical form, that form in which its complete purpose and fitness are perfectly represented. The law which obtains with regard to the whole, together, also holds with reference to every faculty; or in other words, the mean development of any faculty properly belonging to a species, is the typical proportion of that faculty, in that species.

This is the reason why it is the duty of the trainer of youth to take means to repress the extreme manifestation of any particular phase, any special phase of the human nature, by advancing that other portion of it which is in defect. The strongest faculty by nature is ever ready to assert itself, but should the teacher persist, in obedience to the received doctrine, to develop it into still greater prominence and excess, he would necessarily increase that original bias or disproportion. Recollect, too, that the proportioned constitution of both mind and body, is the one only condition of perfect well-being, of perfect health. That synthesis of mean or moderate faculties which constitutes the proportioned manhood, is the moral constitution; for moderate faculties induce moderation in thought and in act. Aristotle long since perceived that moderation was the scientific basis of morals. The proportioned is, therefore, the moral intellect; and the proportioned beautiful, or ideal form, the moral form.

(2.) *Can Organization be Modified, Improved?* Everyone who has attended to, and studied the hearing and training of animals, knows that it can. Perhaps, too, there is some vague general impression that it can; but any slight admission to this effect would, in all probability, be qualified with the question, "but to what extent?" a question indicating a conviction in the mind of the questioner that the possibility of modifying organization is very limited. It may be true that very much cannot, all at once, be accomplished; it does not follow, however, that well-directed efforts would not effect great changes and improvements in the long run, and it is in this long run that proportioned culture has to be regarded as of such vast importance. It is the successive increments of improvement in the flux of time that accomplish so much. This is, indeed, the process of evolution, a natural process that, having been once demonstrated, increases the obligations and responsibilities of education. Some persons have religious scruples as to the acceptance of this theory of progressive development. But they may feel reassured if told that evolution, in the sense of the gradual modification and improvement of organization is the scriptural doctrine of restoration; is that doctrine of renovation which teaches that man is to be gradually perfected, body as well as soul, by the faithful observance of the divine moral law. The retrogression, the decadence, consequent upon the "Fall," and the progression of renovation or restoration, imply considerable modifi-

ability of organization. Moreover, the exhortation of St. Paul, "let us go on unto perfection till we all come unto the measure of the stature" of the Christian ideal, recognizes proportioned existence as the ultimate of mundane Christian life.

Physiologists know that degeneration on the one hand, and progressive development on the other, may go on simultaneously, and not merely to that very limited extent that some men will only admit. The great differences in the organization of men show that organization must be exceedingly plastic. But any amount of modification would appear to be possible if we can believe that the process of evolution is from protoplasm to man. The hypothesis of progressive development does not regard organization as merely being capable of modification within very narrow limits, but of being developed from a rudimentary to a proportioned, a perfected, condition. What does Dr. Darwin say upon this point? "The framework of bones being the same in the hand of man, wing of a bat, fin of a porpoise, and leg of the horse, the same number of vertebræ forming the neck of the giraffe and the elephant, and innumerable other such facts, at once explain themselves on the theory of descent with slow and slight successive modifications." It is the doctrine of progressive development (which after passing through what Professor Tyndal terms "the period of permeation," received such strong confirmation from the labors of Darwin) that renders the doctrine of proportioned culture so important, because it demonstrates beyond all possibility of doubt that the proportioned manhood may be developed. Common sense revolts at the notion that a tendency towards disproportion can be indicative of human progress; it is, on the contrary, unmistakable evidence of retrogression, of decadence. Evolution in the sense of progress towards well-being in existence must, therefore, be towards the proportioned. Disproportion is the fundamental characteristic of all imperfection. All wrong inheres in disproportion; it consists in disproportion in the constitution of either mind or of body, in disproportionate social relations, in disproportionate distribution of wealth, in disproportion between the supply of labor and the demand, etc., etc. All right policy is, in short, a proportioning policy. Under the direction of the proportioning intellect, mind, as well as body, will travel onward to full and complete existence. It is only by associating the doctrine of proportion with the doctrine of evolution, that we can thoroughly

comprehend what progress means, and to what end the destiny of our race is being shaped.

After mature consideration, then, I think that it may be safely admitted that organization is sufficiently plastic to permit of its being gradually modified and moulded to a purpose, not only in the course of a lifetime, but through the generations. The improvement of organization in a lifetime would, perhaps, be of comparatively little account, and its debasement of less terrible import, were it not that both improved and debased organization can be transmitted. Were this not the case, there could be neither racial progression nor decadence. In these reflections, therefore, we perceive the enormous responsibility attaching to Education, and are enabled to understand the vast power it wields either for the better, or for the worse.

(3.) *The Means for Developing the Proportioned Manhood—The Symmetrical, or Higher Education.* Having defined the constitution of the proportioned man, and shown that organization is sufficiently plastic to admit of its being gradually proportioned, and perfected, we have now to consider the means by which that proportionment is to be perfected. Those means must be primarily considered, as means, such as would be calculated to preserve the proportioned human nature. Such means, however, would have to be modified to meet the educational requirements of disproportioned, or defective natures.

The views that I hold in respect to the doctrine of proportion, naturally lead me to insist upon a formative, or setting-up, education as the education which should receive the first consideration. I shall not, therefore, touch upon the subject of special, professional, or technical education in this paper. It is on the adoption of that central, formative, or setting-up education, that the future well-being of nations, nay, of the whole world, chiefly depends; on the adoption of that education which shall have for its object the proportioning, or perfecting of the man, of the human mechanism, if I may so express myself, in its totality. To this end, we have to determine the simplest form of curriculum for training the native powers of the man; that curriculum which should form the fundamental course of training on which all special knowledge should afterwards be engrafted. To determine this, we have to consider the several principal sections of the human nature. The broadest division is that into mind and body. The intellect may

afterwards be sub-divided into three functions: (1), The Observing, or Collecting Function; (2), The Retaining, or Storing Function, the Memory; and (3), The Comparing, or Utilising Function, the Reason. And the chief care of education should be that no section of the human nature should usurp more than its legitimate due of vitality by being excessively exercised and developed. The body should not be developed to the detriment of the intellect, nor the intellect to the detriment of the body. Neither should the faculty of observation, the senses, be cultivated to the neglect of memory, and of reason; nor memory at the expense of observation and reason; nor reason at the cost of observation and of memory.* What subject is there that correct observation, a retentive memory and right reason could not grapple with and master, if it is to be mastered? These three faculties in their proportioned adjustment are, I say, competent to deal with any subject. And it is for the proportionate adjustment of these we should provide in the framing of our formative curriculum, which should comprise: (1), The National Language; (2), Ethics; (3), Drawing; (4), Music; (5), Mathematics; (6), Gymnastics. The national language for the power of correct expression; ethics for the principles of conduct; drawing and music for the training of the senses of sight, of hearing, and of touch; the mathematics as exercises for the reason; and gymnastics for the training of the physique.

This formative course is, in a certain sense, wholly gymnastical,—gymnastical to the intellect as well as to the physique,—for drawing and music may be regarded as the gymnastics of the senses of sight, of hearing, and of touch, and the mathematics of the reason, etc. This curriculum is designed to exercise and develop symmetrically, the most important interests of man's intellectual and physical nature. It is formative; for, the modifiable, plastic organization of youth being submitted to the course of training implied, could not fail of being either preserved or improved by it. To one so trained, special or technical knowledge would have its full value. But the acquirement of this kind of knowledge should be regarded as of secondary importance, whereas, modern educationists would appear to imagine that a man may

* NOTE.—It should be borne in mind that every thought and act is an equivalent of a certain amount of vitality, and that the total amount of vitality is a limited quantity.

be rendered fittest for any calling by cramming him with an immense amount and variety of knowledge, rather than by the development of his innate powers. They have yet to learn to distinguish between knowledge itself, and the power to utilize and make knowledge. Unless the intellect itself be developed into a perfect instrument, all knowledge must be more or less lumber. It is that piling up of knowledge which is, unfortunately, the order of the day in our schools and colleges, that is so mischievous. Modern education succeeds in raising an enormous pyramid of knowledge only to entomb the regal intellect.

The training of the senses, for which the formative or symmetrical system provides, is a most important object, for, on this being rightly carried out depend good taste and good workmanship. For how can we very well have had work from perfect instruments? Scientific knowledge will not confer skill of hand, nor the study of æsthetics, taste; manual dexterity depends upon exercise and long training, and taste upon the right exercise and attuning of the senses of sight and hearing. Imperfectly trained senses, too, are utterly untrustworthy, and often prove false witnesses in matters of great moment.

Do we find that the great men of antiquity were of inferior intellectual stature to those of modern times? By no means. Nay, we find that the Greeks excelled the moderns in all those great accomplishments to which humanity most aspires. This, in itself, ought to be sufficient to convince the public that an extensive knowledge of the physical sciences, and a laborious study of the classics are not essential to the highest intellectual culture, to obtain fine taste, nor to the acquirement of supreme technical skill. It was, indeed, as regarded from my point of view, an advantage to the Greeks that they did not possess our vast accumulation of knowledge. Its very quantity dazes the men of the time, and obscures from their view the true purpose of education. That accumulation of knowledge ought to be regarded as a vast *loot* won from Nature by a comparatively few victorious intellects, who have bequeathed the spoil to posterity. The sciences are conquests effected by great natural powers. The study of the sciences did not create those powers, as our educators would appear to believe; just as they absurdly do that art was the cause of civilization, when all history, and the monumental remains of nations, declare that it was the effect. The power to make science was

pre-existent to the sciences themselves, and that is the power that education should endeavor to create.

But for the present, enough! It is difficult to bring so important a subject within the compass of a single paper. Finding, however, that your Association permits the discussion of educational subjects, I have availed myself of the opportunity to submit an outline of my theory of proportioned culture to a free people always ready to graciously consider new views.

IV. A CONSIDERATION OF THE CAUSES OF INSANITY.

BY WALTER CHANNING, M. D., OF BROOKLINE, MASS.

(Read Wednesday, September 5.)

The following pages can claim to be little more than the merest outline of a study of the causes of insanity. More than this would be impossible within the limits of an ordinary paper. A close analysis of the subject would require a consideration of the entire life of the nineteenth century, with a view of ascertaining those influences which have combined to produce a type of man so often unequal to the struggle for existence, and that, too, when the surroundings for mental health seemed fairly favorable.

I have been led to view the causes of insanity from a general rather than from a constricted point of view, because the latter field has been already pretty thoroughly worked. And, after all, to go back only so far as the immediate cause, is (in the case of a condition of disease, or mental and bodily alienation, like that of insanity) little more than reaching a remote effect or a group of symptoms; it is not touching bottom, nor getting at the true source.

In considering the causes of an ordinary bodily disease, we naturally enough look to the statistics of the hospital where this disease may be treated, to throw some light upon its nature, cause, treatment, etc. If, for instance, we have a case of pneumonia, rheumatism or typhoid fever, one or two steps of statistical investigation will easily carry us back to its true cause. It is not so with insanity, however, which is a disease requiring a large knowledge of facts in the personal history of each one of its subjects to determine the combination of causes which led to its inception. These causes, in many cases, can only be ascertained after a careful, patient and minute investigation. Therefore, when we take up an insane hospital report, and see such and such a number of cases ascribed to ill-health, intemperance, business cares, family affliction, domestic worry, and a hundred other circumstances of minor importance (a proportion of them being even ludicrous in their nature), we see at once that these things do not represent the sum total of all the elements going to make up what we might call the associated cause; but they separately represent only a single link in a chain of causes, or perhaps the last cause leading to

the outbreak of the attack. If we should qualify the expression used by saying *direct exciting causes*, we should come nearer the mark; but to accept what is often little more than accident, or a ripple on the surface, perhaps, as a true and entire cause, is too narrow and circumscribed a method of viewing the subject.

I have been led to the conclusion that hospital statistics are far from giving us reliable information on the causation of insanity, from a careful study of a large number of them. On this subject, more than on almost any other, I have found the most varying methods of tabulation pursued. There is a conflict of opinion as to the very classification of a cause; one superintendent calling some particular cause a moral one, and another superintendent calling it a physical one, while a third will perhaps leave it out of view altogether. I have been particularly surprised with the large number of cases where no cause was ascertainable; there being, for instance, in a group of 24,523 cases, 33.8 per cent., or one-third, whose origin was unknown. I say surprised, meaning to find so many acknowledged as unknown in a table of supposed *known* data. I should be really surprised if, in more than half of the cases admitted to insane hospitals, we could with certainty ascertain the cause of the attack after a hasty and necessarily superficial examination, such as is usually made on admission to the hospital. During the patient's residence in the hospital, it is also often impossible for the hard-worked medical officer, with the best of intentions, to get any satisfactory history of the patient's life at and before the time the attack developed. The insane hospital is not, in fact, the best place to make a study of the causes of insanity. It is there that the wreck is brought to be repaired, but often no evidence of the winds, the waves, the rocks, or other and more hidden dangers, is revealed.

In our efforts in recent years, to bring the study of disease down to a strict, scientific and material basis, we may have gone too far in applying the rule to insanity. We have seen, and we see today, the attempt made to establish insanity as a *physical* disease; to make it only a disease of an organ, as pneumonia is a disease of the lungs. We see that the attempt is, in part, a reaction from the visionary theories of the spiritual or psychical nature of insanity current a few years ago, and we are only too glad to welcome it as an evidence of progress in the right direction. While we welcome it, however, it is clear enough to be seen that some persons do not

give due consideration to the great number and variety of the elements, which truly constitute insanity, and hence adopt a superficial and partial method of classification. No one has been able, as yet, to give the physical atoms of human intelligence, or to perfect a physical formula for the construction of man's immortal soul; and until this can be done, a purely physical theory to explain away the group of phenomena called insanity, will be only partially correct.

Insanity we call a disease, but more correctly speaking, it is a *result*. It is a name applied to an indefinite number of changes in the manifestations of body and mind, when presented to such a degree that self-control is lost. The *loss of self-control* is the boundary line; on one side the individual is called sane, and is at liberty; on the other he is called insane, and deprived or restrained of his liberty. In other words, a man's disposition, and body also, may undergo a great variety of changes, making him very unlike himself, or alienating him from himself to a marked degree, still he is not called insane; he may be a "little crazy," or "will become insane." Let him arrive, however, at the point where these changes make it impossible for him to live in harmony with society, — where he so far lacks self-control that he cannot properly conform to its usages, — and then he will be called insane; but no new condition of body or mind is present, one step further only has been made. This one step, however, while representing little, so far as the man's mental and physical condition is concerned, means an entire change in his social status, as well as his legal status, and from this point of view is of great importance. It will then be seen that the use of the word insanity, is really an arbitrary one. It is in this arbitrary sense that the word insanity is principally useful, and it should be used to denote a condition, the result of certain changes in the human being, which renders him unable to control his own actions, deprives him of his personal freedom, and places him under restraint, or in the care of others.

I do not, by any means, desire it to be understood that, when giving this wider meaning to the use of the word "insanity," I underestimate the physical or bodily changes occurring in cases of insanity. This I do not intend; but I desire to show the interdependence of so-called physical causes, on so-called mental or moral causes. These I regard as often so inseparable, that they must be taken together as a combined causation, and cannot

properly be designated either by the one name or the other. The assigned causes found in hospital reports, upon which many papers on the causation of insanity are founded, are only the most prominent, or most apparent exciting causes, and are chiefly useful to show the kind of mental or bodily strain which appeared to have a bearing on the development of the disease at the time it was first noticed.

Take, for instance, the 24,523 cases of insanity, selected at random from hospital reports that I have already alluded to. Of these cases, 17.3 per cent. are said to have been caused by "ill-health," — though this percentage would have been larger, perhaps, had the causation of the 33.8 per cent. of the unknown cause been ascertained. What was this ill-health? How was it caused? Did not overwork, intemperance, domestic affliction, business anxiety, mental worry, hereditary influences, and numerous other influences, have some bearing on the development of the disease? May not all these things, in some cases, have combined together to produce the disease? It is easy to imagine a man inheriting an unstable mental constitution, struggling along through many years of poverty, finally arriving at a point where marriage became possible; then, perhaps, after a few years, breaking down in business and losing his wife, or child, taking to drink, and finally becoming insane. Now, here are several factors, either one of which it is customary to assign as a cause of insanity. Which one shall it be? If the man goes to a lunatic hospital, the friends will either know nothing of the hereditary predisposition, or forget to mention it, or conceal it (the latter is a common weakness, toward which I am very charitable). They will say he lost his wife, and his business failed, and he drank a good deal. Now, the chances are that the friends will exaggerate the connection of the drink with the case, and the medical officer at the hospital will seize upon this particular factor as the *cause* of the attack, and intemperance will be assigned in the hospital records as the sole cause. I should say in such a case, that no one cause could be held responsible. Here was a man unfavorably placed in the beginning, with inherited mental instability. Life under the most favorable circumstances would be up-hill work. The daily trials and ordinary annoyances of a successful business life might lead to insanity before fifty. The early *poverty* would be a very unfavorable influence in such a case, perhaps interfering with proper physical development.

Marriage would bring added cares, and domestic affliction would still further strain the power of resistance. The drinking would probably be developed, partly as a result of the great strain, and perhaps partly as a consequence of inherent mental weakness. The whole causation of the attack would depend on all these factors acting upon each other, and gradually wearing away in combination, little by little (as constant dropping wears a stone), the innate power of resistance in the irritable and unstable mental structure of the individual.

How is it possible, in such a case as the one I give, to tabulate, in one word, the causes of the failure and mental decay? The life of every individual is so secret and deep that often no one can divine the processes that go on from year to year and lead to outward action. The latter we see, yet they give but a limited idea of the care and elaboration required in their preparation. The whole progress and development of the disease in the case under consideration, may have consequently been masked, or completely concealed, until finally the point where self-control is lost was reached, and the individual yielded to a craving for a stimulant.

To approach, then, the study of the causation of insanity from this widest point of view, these minor *exciting causes* must at first be left out of consideration, and attention be turned in the direction of the *predisposing causes*. The first one, which includes others, is the *influence of civilization*. The savage in his native state rarely became insane. He led essentially an automatic or animal life. He was satisfied with a reflex enjoyment of such pleasures as nature afforded him, and did not fatigue his brain-cells with a minute analysis of an infinite variety of new ideas, feelings and desires. While he lacked the higher kind of enjoyment growing out of an intellectually cultivated appreciation, he was not subjected to the strain which arises from the cerebral processes that are necessary to such an interpretation. He was not conscious of what he missed, and therefore experienced no loss. Being but little more than an animal, imagination was lacking, and hence a conscious or systematic desire to improve his condition was hardly possible. He could not conceive of any higher or better life. His work was physical; his pleasures and his vices, also, were of the body; and, like a plant or animal, he grew and thrived, if obedient to the ordinary laws of nature, or perished if unobservant of these laws. Preservation of life by artificial

means, even so late as our North American Indians, was understood but to a limited extent. The savage, if sick, was an incumbrance to be gotten rid of, not only on account of an ignorance of the nature of disease, but also from the impossibility of sustaining life under the existing unfavorable conditions. There was, furthermore, the instinct of nature in the savage to destroy the unhealthy individual. Hence a certain definite type of physical vigor was maintained, and congenital defects were rarely transmitted. If by accident transmitted, they were certain to be destroyed in time.

Passing down from the period of the savage, and coming to the times when a civilization existed in some ways similar to that of the present day, — it is probable that the comparative frequency of the occurrence of insanity was less than at present. The ancient Egyptians, as well as the Greeks and Romans, attained to a high degree of culture, and they were addicted to excesses, which would now be ranked as causes of insanity. Yet the disease did not become general, for that degree of instability which easily leads to insanity had not been reached. The conditions were still favorable to animal life, being simple and natural when compared to those of the present day. The moral law was still lax, but perfect health was necessary and almost imperative, and the lives of the people were ordered after hygienic rather than moral or social laws. If there was physical strain, there was not excess, and the same was true of the work put upon the brain; or, in other words, the proportion of supply to demand was in keeping with the laws of health and nature. Modern civilization meant a departure from this state of automatic existence in a greater degree, and the entrance into a state of personal consciousness. This great change from a condition of objective life to one in which the power of thought and feeling became subjectively exercised, required centuries of education. As we study the histories of old nations, we are able to see how very gradually this transitional process has taken place. One epoch developed the emotional qualities of the mind, another epoch the moral, and another the intellectual qualities. As the standard of human attainments became higher, the use of reason, in a constantly increasing ratio, took the place of the uncivilized instincts of force which controlled the savage.

The life of the highly civilized European nations, during the

past century, has been peculiarly and extraordinarily favorable to the development of insanity; for the means of cultivating and developing the mind have increased to an extent unprecedented in the history of the world. Society has expanded and advanced in a thousand directions, bringing a multitude of new perplexities, cares and responsibilities, before undreamed of. When we come to a consideration of American life in particular, we find even more of those influences at work which are so peculiarly favorable to the development of mental disease.

When the Pilgrims first landed in this country, they possessed but few of those peculiar tendencies which, though now prevalent to a greater or less extent throughout the whole civilized world, are more intensified in America than elsewhere. Our forefathers were the possessors of a physical and mental organization which enabled them to overcome hardships that would now produce many cases of insanity. They were of a sturdy, self-restrained cast of character, and under the guidance of principles which made correct habits and modes of thought a natural automatic manner of cerebral action. Such great afflictions as war, poverty, and the loss of friends and relatives, produced but a comparatively small number of cases of pronounced mental disease; for there was that inherent mental equipoise, dependent to a large degree on good physical condition, which enabled the mind to meet and overcome an unusual or excessive strain. Then, too, the interests possessed by the individual were not so numerous or varied as to make it difficult for him to carry them all along together without great mental exertion. And, furthermore, he was accustomed to manual labor, and in this way kept his body in a state of health.

When our republican form of government was established, which threw the control of the people directly on themselves, and gave them a freedom before unthought of, there was, at the same time, a burden placed upon them calculated to stimulate and fire the ambition of each individual to seek position and make himself one of the ruling elements of the country. With this new and untried power came new duties and responsibilities, which were outside of and foreign to the experience of most of the people. Here were complicated problems requiring mental application in entirely new directions; here were questions of great magnitude to be settled for the first time, by persons before largely unfamiliar with

their various relations and limits. In these circumstances, I think, may be discerned the creation of some of the influences which have exercised considerable power in developing the type of character which is somewhat peculiar to the American people. As we have seen, very suddenly, almost unexpectedly, a comparatively small number of persons found themselves a ruling power in a land of such vast extent that it contained a climate of every kind, and was, in fact, almost a whole world in itself. The gates of an Eldorado were suddenly thrown open and a little band of dazed, but sturdy and honest colonists, passed in to take possession. They little realized at first what boundless realms belonged to them, but soon the world began to flock in after them, and to some extent they appreciated the vastness of the land. So great were the natural advantages of the country that hundreds of cities and towns were founded, and numberless enterprises started, almost before they had the opportunity to change their homespun garments for more stately garb. The universal progress of civilization in other countries as well as this, and the endless resources of this country, gave rise to a large number of new inventions which vastly increased the possible capacity of these resources themselves. Inventions multiplied resources, and resources multiplied inventions.

The essential characteristic of our higher civilization as we see it today, consists in a desire to realize the ideal, leaving the grosser animal life, *as such*, out of sight. This ideal being imagined, it remains to give actual life to it, and in our endeavor to do this every resource is taxed. We next find that, having discovered the means to attain our object, there is still something beyond. The intellect has in the meantime developed and projected our mental vision further than before. What was once an ideal end, is now only a step. So it must be ever where so grand an end as immortality is to be striven for. The sinking of the animal nature, and the development of the mind to such a point that the true meaning of life may be understood, is a part of the process of human evolution. Civilization may be regarded as little more than a process of nature. It is a growing process of certain functions, which before had lain dormant. The time had not arrived earlier for the development of these functions. Civilization does not mean the newspaper, or the railroad car, or the telegraph, or the nineteenth century mode of life. This life, with all its con-

veniences, improvements, inventions and luxuries, signifies the age of mental development; an effort to realize on earth, it might be said, an unconscious idea of future happiness. With such opportunities of a perfect life, we are still far from adapting ourselves to them, and great mental and physical suffering and loss are one necessary result. As civilization brings into daily use the highest powers of the mind, these powers are overtaxed and must suffer. The use of these powers means as well, a new and peculiar use of the physical system, the nervous system in particular.

As every class in society is instrumental in establishing a general or national type of character, so in a community great or small, each class or individual, according to mental and bodily endowment and social position, will be affected by the civilizing process. And, as rapid civilization is the most pronounced event of the present age, so must the diseased conditions, resulting from the destruction of the materials made use of and cast one side by it, in its rapid course, become especially prominent.

The *race-character of the population* is another influence which has exerted a marked effect on the power of our people, as a whole, to accept our modern civilization. In the centre of our great body of people, representing as it were the brain and soul of our national life, we find a nucleus of Americans retaining many of those characteristics which first entitled them to the name of "Americans." Grouped around them are large numbers of various foreign races,—the Irish coming first, then Germans, English and others. A recent paper of Foster Pratt, M. D.,* states that, in the thirty years from 1820–1850, 2,250,000 immigrants came to this country. In the latter year the total population was 23,191,000, and he thinks 2,240,000 of the foreign population still remained alive. The total number of insane was 15,610, and of these 2,049 were foreigners. This would make about a proportion of one-tenth of foreigners to the whole population, and a proportion of one-seventh of the foreigners insane. The census of 1880, which was much more complete, as we all know, than that of 1850, gave a total population of 50,155,000; the number of foreign-born being 6,679,000. The aggregate number of the insane was then 91,997. Of these, 26,346 were foreign born. It will be seen by these figures, that a little less than one-seventh of

* "The Increase of Insanity in the United States: Its Causes and Sources." By Foster Pratt, M. D. Kalamazoo, Mich., 1883.

the population furnished nearly one-third of the insane. In 1850, of the native population, there was 1 insane in 1,545, and of the foreign-born 1 in 1,095. In 1880, of the native population, there was 1 insane in 662, and of the foreign-born, 1 in 250. The average proportion of insanity for native whites, including the whole United States, was, in 1880, 1 in 618; of foreign whites, 1 in 250; of the colored races, 1 in 1,097; while the total average for the entire country was 1 in 545 $\frac{19}{100}$.

The statistics of the Board of Health, Lunacy and Charity, in 1882-83, are a confirmation of these figures of Dr. Pratt for the State of Massachusetts. In the latter year it is stated that the Massachusetts hospitals have reported on the parentage of 3,414 patients admitted during the last four years. Of these, 1,500 were of American parentage; 1,283 of Irish parentage, and 181 of Canadian parentage. The total foreign parentage was 1,914. This would make about one-third of the whole to be of Irish parentage, and nearly three-fifths of foreign parentage. These figures especially show the undue proportion of insanity among recent immigrants resident in Massachusetts; but they also bear out other statements as to the excessive proportion of insanity in our foreign population. The Board state that "the same proportion does not yet exist among the accumulated population of the hospitals; but a few years hence even this permanent hospital population will show a majority of persons of foreign parentage, and almost as many of Irish as of American descent."

As I have already said, and as we see from these statistics, the foreign population coming to our shores take an important place in all estimates of insanity in this country, and to a certain extent are an indirect cause. In the first place, we receive a distinct pauper class, who have been in such a condition of suffering and want in the old country, that unless they are relieved they will shortly go to the almshouse, prison or lunatic asylum. This class represents the most degenerated foreign element, and becomes insane in a greater ratio than any other. By reason of the public care bestowed on them, their lives are prolonged, and they live often to extreme age, largely swelling the number of inmates in our various institutions. But worse than this, they may multiply, and have a numerous progeny who are born with the parental defects intensified, and in their turn these swell the number of our pauper and insane classes. Unlike the old nations, we not only

receive the weak, diseased and imbecile of other countries, but keep them alive, and afford them opportunities for increasing their numbers.

We receive another class of foreigners who cannot clearly be called paupers, yet they have been only partially successful in their own country, and emigrate in the hope of bettering their condition. They are, for the most part, but imperfectly educated, have learned no regular trade, and so far as obtaining occupation goes, are largely dependent on accident. They leave the old country, perhaps, in a time of political excitement or financial depression, and arrive in larger numbers than are justified by the need of laborers in this country. A certain proportion of them find work which is more or less suited to their capacity. Another portion find work which is not adapted to them, and which in the end must be relinquished, either from physical or mental disability. A third portion find almost nothing to do, and drift about from one place to another, dependent a part of the time on public aid. This whole class, as I have said before, are not out-and-out paupers, but a fair number of them are destined to become paupers.

A third class of foreigners coming to our shores is composed of laborers, artisans, mechanics, trades-people and farmers, who have been at home a thriving, industrious and respectable element in the community. They have been self-supporting, and apparently able to live under the ordinary conditions of life in their own country, though the very fact of their leaving may raise a presumption that they, too, may be lacking in stability. Arriving here, they find ready occupation, which they at once enter upon, and are apparently on the road to permanent success, as well as to citizenship. That they are of inestimable service in developing the resources of the country no one can doubt. That the country might, but for them, now be half a century behind in the material progress she has made is also possible. And while it is also quite possible that native-born Americans would have become insane in large numbers in endeavoring to accomplish the results which this foreign labor has accomplished, and perhaps could never have done as much, it is open to question if the condition of our population would not have been more natural and healthful had we received even a smaller number of this class who have to a certain extent forced the material development of the country. They have supplied us with the means of accomplishing gigantic results

in a short time; but, it is not unfair to assume, the inventive capacity of the American has been stimulated and often overworked in consequence of all such easily accessible foreign labor.

As already shown, two classes of our foreign population would, under any circumstances, be prone to insanity. Taking them as a whole, they must necessarily meet with conditions in a country like ours, which will produce a profound impression upon them. They come with the inherited habits and peculiarities, and it may be added, in many cases, with the weaknesses of the old European nations. They are unaccustomed to the acquisition of money, or the holding of property. They have never held political positions. Religion may have been a matter of form or tradition. Their occupation may have been handed down for generations. Their general education is deficient. Their very vices are inherent in the particular nation to which they belonged; dependent on the social system, as well as on the type of character, the form of religion, and, to a certain extent, the climate of that country. Their physical condition also presents important modifications and idiosyncrasies, dependent on their national habits, age, occupations, etc.

Taking the foreigner as he arrives here, then, we find a mixed type, so far as physical condition is concerned. If we examine his mental and moral condition, we often find him narrow in his views, little used to independence of action and leaning on a higher intelligence. For the first time he is placed upon his feet, and has the opportunity given him to act for himself. He has a chance to earn large wages, buy a house, educate his children, take part in elections and hold public offices. If he embraces these opportunities, he is stimulated to work as he never did before. And furthermore, his brain is stimulated and receives new impressions and ideas which were before unknown to it.

While all these things may only be influences in the right direction, from an abstract point of view, in the instance under consideration they subject the individual to a new and severe strain. If he have the physical strength, the mental equipoise, and the power to overcome inherited ancestral and national vices and weaknesses, he will be aided and benefited. Otherwise he must go to the wall, degenerate and become impoverished or insane. If in harmony with his environment, in other words, he gains mental strength and vigor, otherwise he loses what he originally possessed.

There are many minor considerations which increase the difficulty of the foreigner in his attempt to amalgamate with our people, and which of course, correspondingly increase the mental strain. One of these is the changing of the habits of living, eating and drinking. These habits must be changed in accordance with our climate, form of occupations, etc., otherwise the individual must suffer. Drinking and smoking cannot be indulged in as they were in the mother country, without danger of physical and often mental impairment. The lessened opportunities for recreation also often act injuriously on the foreigner. The separation from old scenes and associates removes a quieting and peaceful influence on his mind. Even learning the English language is a source, in some cases, of anxiety and consequent mental strain.

In the second generation the foreigner has already begun to adapt himself to the life he finds here, and is less seriously acted on by those new conditions which are of minor importance. He now presents a modified type of what he previously was. He must have, of course, by right of inheritance, most of the ways, habits, manners and customs of his parents, as well as the peculiarities of the race to which he belongs. But he also inherits the experience of the new surroundings, which his parents have already unconsciously acquired. He has the advantage, also, of being born in the country which he is to inhabit, and thus is able to adapt himself to his environment from the very first, and at a time when his mind is in a normal and impressionable condition.

Unfortunately our foreign population, who are often so poorly adapted to struggle with the new life of the country, are placed in many of the positions where the influences are the worst for their mental vigor. They are expected to do the hardest manual labor of almost all kinds, and consequently suffer great exposure. They form the bulk of the operatives in the mills, and are the greatest immediate sufferers in consequence of financial depression. As servants in families they are often overworked, and by lack of discipline and proper example, learn habits and customs which make them both unstable and vicious. They live in the most unsanitary dwellings. They are often frequenters of the lowest drinking places, and in other ways are sufferers from many of the worst excesses of American life. In time, correctives and compensations may appear, and do appear for these evils; but at present the result is increased, and, I fear, increasing insanity.

Another of the very important general influences in producing insanity is *hereditary predisposition*. It has been customary, in some quarters, of late years, to overlook or undervalue the frequency of this casual element. I find, for instance, in my series of 24,523 cases, but $2\frac{1}{2}$ per cent. ascribed to this cause. I regard it as an error to place heredity in a table of causes, as in nine cases out of ten there is merely an inherited predisposition, and not a simple and direct connection between the cause and effect. The idea that the percentage of heredity conveys to my mind is this,—that many of the insane person's family were insane, and hence the hereditary element was the most conspicuous one. In my own observation of cases I have not failed to find, in at least fifty per cent., some clear evidence of inherited tendencies playing a part as an element of the cause of the attack. Not that insanity is inherited *directly* as such, but well-marked inherited tendencies, capable of development into mental impairment, I have found in the frequency I mention. On a casual acquaintance with these cases, these tendencies were not prominent; in some they were not discovered for a time, but as my opportunities for tracing back the antecedents of the cases increased they gradually came to the surface. Maudsley says* :—

“What is the exact proportion of cases in which some degree or kind of hereditary predisposition exists, must needs be an unprofitable discussion, in view of the difficulty and complexity of the inquiry; suffice it to say broadly that the most careful researches agree to fix it as certainly not lower than one-fourth, probably as high as one-half, possibly as high even as three-fourths.”

A French writer, Ribot,† has said that “heredity is that biological law by which all beings endowed with life tend to repeat themselves in their descendants; the conditions . . . grow more and more complex in proportion as we ascend from the vegetable world to the higher animals and thence to man.” Every quality and attribute of either mind or body is capable of transmission more or less directly. Even the slightest physical peculiarities descend in both man and animals from one generation to another. Some of these peculiarities are modified and disappear, in the course of time, under the influence of cross-breeding, or inter-marriage, or surroundings. But if the conditions are favorable, a similar type will descend. The Jews are often cited as a nation

* Pathology of Mind.

† Heredity: by Th. Ribot.

preserving for many centuries the same physical and mental peculiarities. And this can be accounted for in part by certain race peculiarities, unknown in any other people. Renan is quoted by Ribot as saying that "the Semitic race has never understood civilization in the sense we apply to the word ; no great organized empires, no public spirit are found in its bosom. The questions of aristocracy, democracy and feudalism, which constitute the whole secret of Indo-European history, have no meaning for the Semitic race." Heredity has, however, exerted a baleful influence on the Jewish race, Ribot states, by sowing the seeds of sundry mental disorders, the results of intermarriage. The number of Jewish deaf-mutes is enormous. Idiocy and mental alienation are also frequent.

Ribot has shown the inheritance of like qualities of mind in the families of poets, painters, men of science, statesmen and soldiers, and Galton, in his work on Hereditary Genius, fairly proves that men of note in England have had remarkable fathers to the extent of thirty-one per cent. ; brothers to the extent of forty-one per cent. ; sons forty-eight per cent. ; grandfathers seventeen per cent., etc.

The late Mr. R. L. Dugdale of New York, in his elaborate and widely quoted paper on the "Jukes Family," has also shown the remarkable tendency of ancestral traits to transmit themselves, under favorable circumstances, to one generation after another. Among the conclusions he arrives at are these : Where the organization is structurally modified, as in idiocy, insanity, and many diseases, the heredity is the predominating fact in determining the career. The tendency of heredity is to produce an environment which perpetuates that heredity. The environment tends to produce habits which may become hereditary, and especially so in pauperism and licentiousness.

From the above quotations it will be seen how serious and important a part heredity may play in every case of insanity, although, as I have stated, a tolerably direct relation cannot be traced in more than one-half of those passing under ordinary observation. A child from early age comes under the influence of inherited traits. In his sentiments, emotions, feelings, he is reproducing the experience of those who have gone before. If he inherits strength of body and character, he has a surplus which can be drawn on to resist or overcome the obstacles that oppose

his progress, and fit him for the strain of adult life; the environment of insanity may exert an unfavorable influence on him, but, unless the circumstances are unusually aggravated, he will be apt to pass on to old age, dying from intercurrent disease, or from natural causes. If, on the other hand, he has transmitted to him mental or bodily defects, he feels their influence very early in life, and, unless very judiciously educated, the neurotic or insane temperament will probably develop itself. There is the constant undercurrent of mental irritability, ever present, and unfavorable surroundings gradually strengthen the stream, and bring it nearer the surface. The difficulty with a bad heredity is, that it is so little understood. The whole subject of mental phenomena is naturally shrouded in darkness, and we consequently do but little, in most cases, to counteract bad inherited tendencies, which are often not developed early, though they are at work in helping to form habits, or ways of thinking and living. Even with a conscious desire on the part of parents to counteract bad inherited traits, it may be impossible for them to do so,—each child being made up of a combination of qualities inherited from both parents, which are beyond their powers of comprehension. These qualities react on each other in a manner that was hardly supposable from the known data, and the result will be a character quite unlike that going before.* Then, as Mr. Dugdale has said, the environment is often but little more than a continuance of the heredity, and fosters and develops the defects which a very different environment might modify or destroy.

The *social* environment, as it might be called, is especially apt to act from the beginning and continuously, through many years. Thus, if a child is born in poverty, or pauperism, he labors under a depressing or devitalizing influence which comes into most of the acts of his daily life. He cannot get the ordinary nourishment or clothing that he requires; his higher tastes must be sacrificed; he loses the refining and healthful influence of pleasures derived from nature; he has but little of a cheerful and helpful home influence. He is hardened and narrowed in his views of life, and easily rebels against society, degenerating perhaps into a criminal, or seeking forgetfulness of his hardships in drink and the indulgence of small vices. This environment is the common one to large num-

* A better understanding of the laws of heredity would make it easier to comprehend what sort of a character we might expect in most cases.

bers of persons, and one peculiarly favorable to the development of inherited parental or ancestral defects. As the social environment improves, its influence is exerted more in the direction of a good effect.

Physical heredity and environment, also, have a very close connection, and this environment can be more easily appreciated and corrected than either a moral or a social one. If a child inherits a tendency to insanity directly, it is easily understood and can be corrected. The same is true of a neurotic tendency. Intemperance, consumption, syphilis, scrofula, apoplexy, heart disease, gout, are physical diseases, all capable of transmission, and, indirectly, under favoring surroundings, or by reason of substitutive metamorphosis, prone to appear in the form of insanity. Their presence is a fact easily understood, and their reappearance can, to a certain extent, be guarded against by early, careful and continuous precautions.

From these brief remarks, it will be seen how constantly heredity presents itself in every relation of life. We cannot escape from it, and it is therefore better for us to endeavor to appreciate it, and profit by the experience it imparts to us.

Education, though usually not a direct cause of insanity, is so often misapplied that it is responsible for the occurrence of many cases of insanity. It should be a restraining, a retarding influence, to guide us along the paths that lead away from insanity, but often it leaves this out of account altogether. Maudsley says, in reference to education: * —

"Next in importance to the inborn nature, is the acquired nature which a person owes to his education and training; not alone to the education which is called learning, but to that development of character which has been evoked by the conditions of life."

He adds that the statistics of lunatic hospitals which show how many persons of education have become insane, are of no value whatever, until we agree upon what shall constitute a good education.

For convenience, education may be divided into *moral* and *school* education. The former, which we often forget to call, or even regard as education, is much the more important. It begins as soon as the child is old enough to comprehend what is said to him, goes on through the school years in combination with the school

* Pathology of Mind.

instruction, and ends, in one sense, when the individual assumes all responsibility and control over his own actions. From another point of view, it may be continued through life. It is this form of education which is neglected among all classes, and especially among those who need it the most. We may have had, in earlier years, much moral instruction of a strait-laced, puritanical character, favoring an abstract system of morals, rather than a practical method of living a better, more upright and healthful life under the conditions to which we were exposed. But a true moral education should embrace a study of the physical conditions peculiar to children and young people. The instincts, feelings, habits and tendencies should all be thoroughly examined, due attention being paid to the morbid tendencies as well. And the formation of character, both from a mental and moral point of view, should be carefully considered. The latter is a difficult subject, but worthy of deep thought. I do not underestimate the efforts that are made at the present day to understand better the characters and physical and moral needs of young children. But I have often seen children lacking in self-control, correct habits of thought and a proper appreciation of their duties to society. I have also seen young people ignorant of the value of money, and others who were unable, because of early education, to struggle persistently and successfully for their own support or that of their families. There are many young women unfitted to become wives or mothers, owing to improper moral training; and many young people enter the marriage relation, almost, if not quite, ignorant of the duties and responsibilities growing out of it. It is but too well known that much misery, unhappiness, ill-health and insanity are the outcome of married life, and it is undeniable that the result, in many cases, would have been very different had the early training been more judicious and discriminating.

By *school education*, I mean book-learning more particularly, though the moral element, as before remarked, can never be left out of sight. The study of books alone should not lead to insanity, but owing to defective systems of school and college education, a large number of cases of insanity from over-study and over-application have been reported. A general, rather than an individual standard is often adopted, which is too exacting for certain pupils. Especially is this true of girls, who are physically more impressionable than boys during the school years, and break down under a

relatively less strain. It is, however, often not the school system alone which is responsible for such cases, but the lives led and sanctioned by the parents at home. This is of such an exacting nature, that comparatively little strength remains for the pursuance of school studies, that should be healthful. Only the other day, a successful teacher of a young ladies' school complained of the short school hours and the long vacations. She said that her scholars largely lost the habit of persistent, hard study during the four months' summer vacation. The succeeding work would be done in a spasmodic, nervous, restless manner, rather than after a systematic plan; much would be forgotten, and much only half digested. She thought that undue importance was now attached to physical exercise or recreation. There seemed to her to be a mental and physical "flabbiness," as she called it, in her pupils, perhaps a reaction after the severity of discipline in former years. In spite of the long vacations, etc., many of her pupils broke down from nervous exhaustion. She especially regretted that habits of persistent, systematic work were not formed at school, as such habits were very valuable in after life.

A special study should be made in schools of the laws of health, and the peculiarities and tendencies of every child should receive careful attention, even in public schools. There should be, further, a definite system of moral education, extending even to the home-life, and parents and teachers should be on the most friendly and sympathetic terms. The teachers themselves are sufferers from our method of school education, a comparatively large number breaking down physically or mentally. Many suffer from nervous exhaustion, and a certain proportion become patients in lunatic hospitals. In England, the number of governesses entering asylums, has been noticeable.

It is very clear that *occupation* must have an important bearing on the mental and physical condition of every individual. The examination of hospital reports helps to throw light on the apparent connection between the form of employment and mental disease, but these statistics must be accepted with the limitations already indicated. If we take a country lunatic hospital, we shall find large numbers of farmers, or farm laborers, and the various members of their families, contributing to the hospital population. The number is proportionately large, when we consider the natural and healthful character of the farmer's employment. The actual

relative proportion of insanity, however, is greater in the city than country, as it should properly be. The farmer's life, in New England, is often a hard one (it being up-hill work to make both ends meet), and it may also be a life with little to arouse, stimulate, or occupy the mind. Out-door work is healthful, but the farmer's food is often of poor quality; he pays little attention to the rules of health, and is the victim of dyspepsia, rheumatism and other physical ailments. The farmer's wife is sometimes an indoor slave, working day and night to accomplish her tasks, and getting little fresh air or exercise. She also suffers from lack of society, and the consequent friction against her neighbor's wife, which helps to keep her bright and interested in the world outside herself. While the farmer's life lacks the temptations and opportunities for indulgence in vice, peculiar to the city, it is admirably calculated to foster self-introspection, and a melancholy brooding over the misfortunes and sorrows which daily present themselves.

Among the working classes, there is none, perhaps, more exposed to the favoring conditions of mental disease than factory operatives. The work is in itself confining, monotonous and often arduous. Some of it is poorly paid, and it is done largely by girls and young children. The buildings in which it is done are often situated and arranged without regard to sanitary conditions. Worst of all, the amount of work required is dependent on the condition of the market, which in turn is dependent on the general prosperity of the financial world, as well as the success of the crops. A period of financial depression is sure to lead to much hardship and suffering, by reason of a greater or less number of the operatives being thrown suddenly out of employment. In England particularly, but also to a large extent in this country, persons of this class are subject to some of the smaller vices, and especially given to intemperance. In spite of the statement of Dr. Yellowlees of the Glamorgan Asylum, who says that the number of male operatives admitted to his asylum during a prolonged strike, was only one-half the number admitted in ordinary times, I am not inclined to draw the inference that lack of employment and of money are conducive to mental health. I should infer the contrary from my own observation. The less the occupation, the more poverty and domestic suffering and anxiety, I should say, would develop mental and moral weaknesses, and if sufficiently prolonged, be sure to end in a large percentage of cases of mental

impairment. In England, Dr. Tuke quotes Dr. Fergusson, who thinks that factory labor in itself does not act prejudicially, the condition of the mills having been much improved in recent years; but the free indulgence in stimulants and smoking acts very injuriously on both parents and children. Large numbers of women are employed in the mills, who must suffer at all ages from physical causes, and, if mothers, their children must also suffer in consequence.

The large class of merchants, mechanics and artisans who carry on the principal part of the business of the country, represent the best element in society, so far as a well-organized mental constitution is concerned. They possess a high degree of average intelligence, without excessive refinement or sensitiveness on the one hand, or ignorance and dulness on the other. We have a right to expect a high degree of mental stability from this class and are not disappointed. It is this class which is the most decidedly American, and which finds itself placed in comparative harmony with its surroundings. It has few bad national habits to unlearn, and is already a part of the institutions of the country. The restless energy and fertility of resource with which the members of this class are endowed, may carry them beyond the limits of discretion, however, and they break down from overwork, business anxiety, etc. They are also subject to frequent reverses, incident to the new and untried conditions of life and business, peculiar to a large, rich and recently settled country, and find in sudden and unexpected loss of fortune, a not infrequent source of mental strain leading to eventual insanity.

In regard to the learned professions, very little can be positively said; though, without doubt, the exacting demands of these professions, with the frequent difficulty of obtaining remunerative work, and a poor physical foundation to work upon, render the occurrence of insanity a frequent probability. Notwithstanding that hospital statistics often lead to wrong inferences, they are always interesting and instructive. If we look at the table of occupations of patients admitted into the Pennsylvania Hospital, of which the late Dr. Kirkbride was superintendent, we find that, of 4,557 male patients admitted in forty-one years, 488 were farmers, 437 merchants, 100 physicians, 107 lawyers, and 56 clergymen. The number of farmers and merchants, at first sight, appears small. The farmers, however, would have been more

numerous in a public institution in the rural districts, and the merchants represent strictly only persons doing a purely mercantile business. Other hospital superintendents, perhaps, would not have separated druggists, manufacturers, jewellers, grocers, confectioners, and persons of even more humble business callings, from the general class of merchants. The learned professions, at first sight, appear to figure somewhat prominently,—a fact largely explained, however, by the proximity of the hospital to the city of Philadelphia, as well as by its private character, and the high reputation of its superintendent. Taking the whole number of male patients, the proportion is not small, and certainly enough to show that members of the learned professions are, like all other classes of the community, apt to break down under a severe mental and physical strain. The number of students breaking down and becoming insane, and who would otherwise enter the learned professions, should also be taken into account in estimating the amount of insanity in this class, and fortunately Dr. Kirkbride's tables enable us to do this. We find 86 students: 23 students of medicine, 12 of law and 14 of divinity, or a total of 135 students. If we add these to the 263 members of the medical, legal and clerical professions, we find that, out of 4,557 of Dr. Kirkbride's patients, 398 were fairly entitled to belong to the so-called learned professions.

If we wish to regard another picture, we can turn to the Fifteenth Annual Report of the Connecticut Hospital for the Insane. We find from this, that in fifteen years 1,114 men were admitted, among whom there were 1 clergyman, 5 physicians, 2 lawyers and 1 student, or a total of 8. This would make a percentage of less than one, while in the Pennsylvania Hospital the percentage exceeds nine! The deception of figures is clearly shown by these instances.

In every hospital report there is always a very appreciable number put down under the head of *no occupation*. These figures are usually quite misleading, for many patients who have had an occupation in early life, or in prosperous times, but have been out of it for years, on entrance to the hospital give the old calling as their present employment. The number is always large, however, who are found to have no employment, there being 77 out of 1,114 males admitted into the Connecticut Hospital in fifteen years. Out of Dr. Kirkbride's 4,557 male admissions, there were 665 with

no occupations. The absence of occupation in this large proportion of cases, indicates the serious consequences of the lack of employment. While a small number of people of cultivated tastes and with the numerous resources of art, science and money, can live without regular occupation, as a rule, the native American or the resident foreigner is out of place unless systematically employed at some kind of business, trade or profession. Lack of employment is often an indication of mental incapacity or feebleness, and is demoralising under any circumstances of ordinary bodily health. Nothing is better for the mind than the steady strain of a proper occupation, and this should always be insisted on.

I have taken no note of the number of unoccupied women, as the larger part of those classified as having no occupation often have some modified form of employment at home, and it is more difficult to settle on what, in many cases, should be regarded as employment for women. As women take up more of the kinds of work now monopolized by men, this will become an easier matter. In this connection, it is interesting to learn, from the last English census, that the number of women working in the fields had diminished from 378,700, in 1861, to 64,000, in 1881, and the number of women engaged in professional callings increased from 96,000, in 1861, to 196,000, in 1881.

As I have said under the head of education, many young people enter into the marriage relation with little or no idea of its peculiar conditions. They may have lived at home and have observed, as they supposed, the conduct of married people, and yet have very little knowledge on the subject. It is not desirable that they should know all the trials and limitations of married life, but they should be fitted, unconsciously, if possible, for the marriage state in some ways, and they should be made to realize its seriousness, and the need of entering into an engagement with a feeling of future responsibility. Marriage must, under any circumstances, to a certain extent, be a matter of accident, but wise teachings and careful guidance, will form and develop the judgment so that it will be less liable to error. Certain customs can be established by society, which will partially obviate some of the present dangers of marriage. For instance, a fair condition of mental and bodily strength should be a pre-requisite, and no man or woman should ultimately be allowed to marry unless healthy. Many of the most serious bodily diseases are constantly transmitted by marriages

that should never have been allowed, and the transmission of moral and mental peculiarities, as we have shown elsewhere, are many and complicated. Such are the effects upon the offspring. Upon the married pair themselves, idiosyncrasies, mental and physical defects, lack of business capacity, etc., must react injuriously.

One of Dr. Kirkbride's tables, in his Forty-first Annual Report, shows the following in regard to the civil condition of 8,480 patients admitted: 2,220 males, and 1,618 females, or a total of 3,838, were single; 2,094 males, and 1,821 females, or a total of 3,915, were married; 484 were widows, and 243 were widowers. As far as these figures go, we should infer that while the totals of each sex admitted to lunatic hospitals, single and married, are about the same, more single men become insane than married men, and more married women than single women. Widows might naturally be expected to enter lunatic hospitals in larger numbers than widowers, because of the increased struggle for existence to which they would be exposed after the death of their husbands. Dr. Earle has come to this conclusion. He finds a close approximation between the numbers of the single and married of both sexes admitted to lunatic hospitals. Bucknill and Tuke think the chances of insanity greater in celibates than in married men, and regard celibacy as a predisposing cause. Consanguineous marriages have been frequently discussed in relation to insanity. I have already referred to them in speaking of the Jews. Dr. Jarvis, quoted by Bucknill and Tuke, has said that if both parents have a perfect constitution, the offspring have a double security against imperfection; *the converse being also true*. The objection (to intermarriage) does not arise from "*the bare fact of relationship*." Bucknill and Tuke refer to the success of in-and-in breeding in animals, and the successful intermarriages of some races, but do not favor intermarriage. They say that "although consanguinity in itself does not create mental disease, it is so difficult to insure the sound constitutions of the parties marrying, and of their ancestors, that the marriage of those near of kin is very often undesirable."

The conclusions to be drawn from what I have written, are in part the following: —

1. That so far as the causation of insanity is concerned, the statistics of insane hospitals are unavoidably incomplete and unreliable.

2. That the insanity of the present day is peculiarly the disease of an imperfect civilization.

3. That the foreign population of America largely increases the aggregate amount of insanity, and indirectly acts as a causal element in producing insanity in the native population.

4. That heredity, both in relation to mental, moral and physical conditions, is of greater importance in the causation of insanity than is generally supposed. And, further, that environment tends to perpetuate heredity.

5. That bad education, lack of education, and over-education, increase the number of persons becoming insane; while, on the other hand, a good system of moral and school education is a powerful influence in preventing insanity.

6. That certain occupations are more favorable to the development of insanity than others, while want of occupation is frequently a cause, sometimes an early indication, of insanity.

7. That ill-assorted marriages increase insanity; but celibate men, and probably celibate women, are more prone to insanity than the married. And, further, that consanguineous marriages are attended with too much uncertainty to be entered on except in rare cases.

V. INEBRIETY IN WOMEN; ITS CAUSES AND RESULTS.

BY LUCY M. HALL, M. D.,

Physician of the Reformatory Prison for Women, of Sherborn, Mass.

(Read Sept. 8, 1883.)

In collecting the data forming the basis of this paper, I have had in view: (1) a desire to know what are the influences under which women of the classes with which I am dealing, yield to temptation, either subjective or objective, and become drunkards; (2) the action of alcohol upon the organism, and the resultant psychical and physical disturbances manifested. In presenting the first part of my subject I do so with the belief that it is by far the more important. It is in modifying or controlling those forces which produce disease that the physician of today finds his truest and most exalted work.

In no department of medicine does this question of prophylaxis assume so high a degree of importance as in dealing with the mighty problems of inebriety; for whether a vice in the beginning, or whether attributable to the action of a diseased nervous organism, inherited or accidentally acquired, or whether produced by a combination of causes, inebriety at length becomes a disease in itself, and demands at our hands all the consideration due to any other diseased state. Moreover, as the results of this condition are not confined to the individual, but are transmissible to the offspring of the inebriate, burdening the world with beings faulty in organization, in whom the nutritive processes have been perverted from the moment of their earliest action, the necessity for the prevention of an evil so widespread and so lasting assumes double importance.

I have directed my efforts toward ascertaining, so far as possible: (1) the age at which the habit of using intoxicants is most likely to be formed; (2) associations, inducements, etc., which led to their use; (3) the condition, occupation, and place of residence at the time; (4) the intoxicating beverages first used; (5) the place where they were drunk; (6) hereditary influences.

Of the two hundred and four cases examined by me, one hundred and thirty-two were committed to the Reformatory Prison for drunkenness, fifty-six for crimes against chastity and public order, and sixteen for crimes against property. Their ages when

committed averaged thirty and one-half years. Sixty-five were between thirty and forty-one years of age, forty-nine between twenty five and thirty-one years of age, thirty-four between twenty and twenty-six years, and thirty between fifteen and twenty-one years; the remainder were over forty years of age. Fifty-six were serving a first sentence, forty-one a second, forty-two a third, and twenty-six a fourth. Of the older cases, many could not tell the number of sentences which they had received. One of them thought that she had been committed more than a hundred times. Seventy-three were married but separated from their husbands; seventy were single; thirty-nine were married, and twenty-two were widows. Twenty-seven began to use intoxicating drinks before they were ten years of age; eleven began between the ages of nine and fifteen years; seventy-four between fourteen and twenty-one years; thirty-seven between twenty and twenty-six years; thirty-three between twenty-five and thirty-one years; nineteen between thirty and forty-one years, and three between forty and fifty-one years. The average age was eighteen and one-third years.

More than one-half had formed habits of intemperance before they were twenty-one years of age, and more than one-third at the giddy ages between fifteen and twenty inclusive.

One hundred and thirty-two claimed to have drunk socially, and never otherwise; forty-seven admitted that they loved the liquor which they drank; eleven gave trouble or anger as a reason for the indulgence; fourteen were more or less ill when they began, and I regret to state that in three instances it was alleged that the appetite was awakened by the use of stimulants which had been prescribed by a physician. In the other cases, a mother, husband, or some officious friend, had recommended or urged their use as a medicine. One hundred and thirty-two began to drink with female friends, twenty-eight with male friends (twenty of the twenty-eight were the husbands of the women), three with male and female friends together, and seven alone. A few began by drinking beer in a mill or shop while taking lunch with their companions.

When the indulgence commenced, 114 were single, seventy-two married, eight married but separated from their husbands, and ten widows. Fifty-eight were engaged in domestic service, forty-four worked in mills, and fifteen in shops (usually shoe shops). One hundred and ninety-seven resided in the city, and seven in the country. One hundred and twenty-eight began by drinking beer,

thirty-seven by drinking whiskey (usually as punch at first); twenty began with wine, and eight with gin; eleven were unable to remember the beverage first used. A large number averred that they fell into habits of intoxication by first using a substance familiarly known as *tonic*.

Ninety-one began to drink at their own homes, forty-nine at the houses of friends, and sixty-four in saloons.

In but 100 cases were even the most meagre details of the family histories obtainable, but these, no doubt, may be considered to fairly represent the class. Of the fathers, sixty-seven were dead. Of these, twenty-four died of consumption, four of heart disease, two of kidney disease, one of scrofula, and one of neuralgia; one committed suicide. In several cases the cause of death was not known. Fifty-six were intemperate, eight were extremely nervous, and three were insane. Of the mothers, thirty-seven were dead. Of these, twenty-one died of consumption, three of heart-disease, one of cancer, and one of epilepsy. Thirty-one were intemperate, twenty-five were extremely nervous and three were insane. Of the brothers and sisters, fifteen were known to have died of consumption, and two of heart disease. Eight were insane and two simple. Of the grandparents, four were known to have died of consumption and two of heart disease. Two were known to have been insane. Of the uncles and aunts, thirty-two were known to have died of consumption, one of cancer, and one of heart disease. Twenty were known to have been insane. In all but eight of the 100 cases examined, were one or more of the conditions above noted found to have existed in the family. In one case — that of an extremely nervous but intelligent girl, — both father and mother were very nervous, a grandfather, brother, and uncle were insane, and two brothers were simple.

It may be of interest to add that, of these 204 inebriate women, 126 had been guilty of other crimes, yet in but sixteen instances did the first commitment of these crimes antedate the habit of drinking. Fifty-three used snuff in the mouth (in Massachusetts a habit confined mainly to the mill population), forty-three used snuff in the usual way, thirty-nine smoked tobacco, and three opium. The last-named vice is making rapid headway in New York and in many of our western cities; in Boston only a beginning has as yet been made, but a swift spread of the evil is feared. Six used opium in the usual way.

Concerning nationality, sixty-seven were Irish, fifty-two Irish-American, seventeen American, seven negro; seven of mixed foreign parentage born in America, and twenty-two born in other countries. Of the Irish-born, forty-five came to America when young, and claimed never to have used intoxicants prior to this time. To determine the actual effects upon the system of the habitual use of alcohol, is a difficult, or rather an impossible task. Boehm tells us that "alcohol must be ranked with those narcotics which, after long-continued use, leave behind them permanent and enduring changes in the bodily organs. These changes may not be recognized by the minute anatomist, but they may be known very unequivocally by persistent anomalies of function."

In classifying the cases which have come under my care, I have made four divisions, each embracing, besides its representative members, many who presented minor degrees of variation from the type of the class:

Class I. Here an unstable state of the emotions begins to manifest itself. The woman is often depressed in spirits, weeps easily, and is easily consoled. The most trivial circumstance will annoy and excite her. All the currents of her life are disturbed, and are in inharmonious relations with each other. This is partly from the action of alcohol upon the tissues of the system, partly from the moral protest which is goading the victim with a sense of the ruin in which she is becoming involved.

Class II. In this class we find the psychical disturbances more marked. The woman is apprehensive, believes that she is wronged, and imagines every one to be against her, the temper is irritable, and often uncontrollable. The moral sense is involved; the perceptions of what constitute right and wrong are blurred and distorted; purposeless lying, deceitfulness, a general absence of integrity and honesty characterize this condition; and the higher the intellect of the woman, the greater the divergence from the normal standards. The patient believes that she can easily reform, and resolves to do so without a moment's doubt or hesitation. The capacity for suffering is active, remorse being a prominent factor in the distress which so often possesses her. The eye is unsteady, and the facial muscles often twitch nervously. Gastric and intestinal disorders are common in the members of this class, and headache an almost constant accompaniment.

Class III. This is a dual class, and one in which, from the long

continued use of intoxicants, the vital processes have gradually come to "equilibrate around new centres," and the resultant conditions have assumed a degree of fixity, from this persistent abnormal adjustment of the life forces. In this class we find ourselves dealing with persons whose reasoning powers and governing impulses have little in common with our accepted standards. All the higher qualities have deteriorated. If the woman is a criminal, she has but little comprehension of the significance and extent of her crimes; if of a phlegmatic temperament, the capacity for suffering is diminished, and the impulses are less active than in either of the preceding classes. The brain and nerves seem to have been subjected to a stupefying process.

If some intercurrent disease does not end life, the patient will remain in this condition for a very long period, finally sinking into a state of complete dementia. The system in these cases seems to have established a tolerance for the poison, and the nutritive functions are less actively disturbed than in patients of either of the other classes.

In the woman of a more highly nervous temperament we find at this stage a very great divergence from the preceding type. Here the system is in a state of rebellion against the unnatural and long continued stimulation. The woman is broken, shattered, demoralized. Her condition is something which approaches to a state of permanent intoxication. Her inhibitory centres have become hopelessly impaired in structure and action; she is excitable to the wildest extreme; she weeps at nothing, and curses and blesses in the same breath; her anger is easily aroused; the discipline of the prison is irksome and often unendurable to her; she has no control over her passions or her appetites, and is often aware of this.

There are usually marked physical disturbances in these cases; headache is a prominent symptom, also, a *dreadful feeling* in the head is complained of—a sensation as though it were opening and shutting at the vertex, spinning around, or as though a tight band were about the forehead; a common expression with them is, "My head is crazy." Fine muscular twitchings and tremblings are observed, also the muscles are relaxed or wanting in tonicity. A prominent and constant accompaniment of this state is the generally lowered tone of the system. The vital forces have been consumed far in advance of the years of the patient, she often

having the appearance of being ten or even twenty years older than she really is, and her powers of exertion or endurance partake correspondingly of this prematurely senile condition; gastric catarrh or gastritis, bronchial catarrh, affections of the heart, liver and kidneys are frequent, but not constant complications. In this stage of her career death often comes to the relief of the wretched patient, and the scene is closed.

Otherwise, in Class IV., we find her parting with the last vestige of her reason, and sinking into the oblivion of hopeless dementia, tossing in her wretchedness and restlessness toward some wilder form of insanity, or, revelling in imagination in the splendors of untold wealth and boundless possessions, she goes on swiftly and surely, helpless and mindless, to the death which awaits her.

Of the 224 cases under consideration (twenty of whom could give no history), fifty belonged to Class I., ninety to Class II., forty-nine to Class III., and twenty to Class IV. Fifteen remained unclassified, having not yet reached Class I. Seventy were considered to be dipsomaniacs, in the restricted sense, *i. e.*, of being the victims of a morbid and uncontrollable appetite for stimulants, the result of long indulgence, in most cases. When admitted, forty-one were suffering from acute alcoholism, and five from delirium tremens. Eleven were epileptics, fifteen had heart disease, sixteen disease of the liver, ten disease of the kidneys, nineteen had bronchitis, forty-eight uterine disease, twenty-one rheumatism, five phthisis, and four asthma. In none save the first two conditions mentioned, could it be absolutely shown that alcohol produced the disease.

In conclusion, I would call attention to a few prominent facts, foremost of which is this: that in girls of the laboring classes, habits of inebriety are most likely to be formed while they are still very young, and that, almost without exception, association is given as the cause. Over and over again the story is repeated: "I got to going with a girl, or a lot of girls who drank, and so I got to drinking myself. I never should have drank, and I shouldn't drink now, if it wasn't for company." That so many of our young working-girls are becoming drunkards, drinking openly at the bar of a saloon with their companions, is a most serious matter, and points to a most degraded state of the social standards among them. When we consider that nearly one-fourth of all those who have been recorded here were at work in the factories

when they began to drink, and that fully two-thirds of all were led to the habit through the influence of those who were, or had been thus employed, we cannot but conclude that mills are the great *foci* in which drinking and dissolute habits are formed, and from which extend the influences that are leading so many others to ruin. Nowhere is there an active work of reform more needed than among the mill population of our State. Those who know only what were the social conditions there twenty or thirty years ago, can form but an imperfect idea of the depravity and disorder which now prevail in these localities.

Many of the married women who, living in their own homes, formed habits of inebriety, did so by "neighboring" with each other, beer being brought in, or sent for by one of their number who drank, and soon the indulgence became general. One old female toper in a neighborhood may be looked upon as a common centre of contagion.

With regard to the present condition of these inebriate women, little need be added to what has already been shown. Not one in Classes III. and IV. but has passed the limits of moral responsibility.

We hope the day may come when by a wiser and more humane legislation, these unhappy outcasts may be protected from themselves by surveillance and control, not penal nor unnecessarily disgraceful, but absolute, without limit, and modified only by positive and continued evidence of reform in the sufferers. In no other way can the degree of usefulness of which they are capable, be conserved, and their impending ruin averted.

VI. THE DISEASE OF INEBRIETY AND ITS SOCIAL SCIENCE RELATIONS.

BY T. D. CROTHERS, M. D., HARTFORD, CONN.

(Read Wednesday, September 5, 1883.)

It is impossible to approach this subject from any side of exact science, without a feeling of awe, and a consciousness that we have come to a great "Dark Continent" which borders and crosses the path of human progress. The confusing theories, superstitious notions, and widely varying efforts to prevent and cure this evil, all deepen the impression that this is one of the greatest political and social science topics of the century. A view of the subject from this point, brings out many facts of great interest.

Inebriety, in any view, means bankruptcy of body and mind, and not only destruction of the individual, but of his race, in this and the next generation. The term includes a vast army of persons recruited from all classes, and changed from producers and law abiding citizens, to consumers and disorganizers of society. The number of inebriates has been variously estimated at from two to five hundred thousand in this country; which, in all probability, is an estimate approximately correct. The most prevalent theory which explains the presence of this vast army of inebriates is, that drunkenness is a vice and moral defect; a spiritual disorder that is curable by conversion, by the pledge, and by rousing up the will power. It is a curious fact, that this theory is a striking repetition of history in the efforts to treat insanity as a moral depravity and possession of the devil. The same spirit of the past would ascribe to all mystery a spiritual origin. A wider study of inebriety shows that it comes from conditions that are physical, not moral. Instead of the heart being deceitful and desperately wicked, there is a diseased and defective organism. Inebriety is closely allied with the rush of civilization, and becomes more prominent where this is most intense. Seen nearer, inebriety is clearly an expression of the inability of the brain force to keep pace with the revolutions of thought, the changes of occupation and surroundings.

In the struggle of mind over matter, and brain over muscle, all intellectual development is exotic unless associated with physical growth along the line of natural laws. Hence, inebriety, insanity, and other nervous affections are marks of failure, and penalties

that we pay for ignorance and neglect. The fact is well established that inebriety, insanity, idiocy, pauperism and criminality, are interwoven together,—all branches of the same family, and all increasing. In a large proportion of cases, inebriety is the primary affection from which the others spring; and if it were a moral disorder, it would diminish with the growth of morality and intelligence, but, notwithstanding the advance in these directions, it is rapidly increasing. The revenue returns for a quarter of a century bring out this fact clearly. In 1862, the revenue collected from liquors was six millions; in 1882, it had reached eighty-six millions, an increase far beyond that of the population; yet this does not indicate the enormous increase in sales by the local dealer, of which there are no records. Other evidence is found in the statistics of police courts and commitments to jail.

It is a fact of historical interest that inebriety was recognized as a disease long before insanity was thought to be other than spiritual madness. An old papyrus found in one of the tombs of Egypt, dating far back into antiquity, appears to give a clear recognition of the disease of inebriety. Herodotus wrote, four centuries before the Christian era, "that in drunkenness, both body and mind are sick." Diodorus, Plutarch, Chrysostom, and Ulpian, the Roman jurist, all clearly wrote of the disease of inebriety, before and after the beginning of the Christian era. From that time down, this view was mentioned here and there, until Dr. Rush, in 1790, brought it into great prominence.

By a strange shifting of events, insanity, which was supposed to be a spiritual affection until a comparatively recent date, is now studied as a physical disorder, while inebriety, which was regarded as a disease twenty centuries ago, is still invested with the superstition of a spiritual origin. At last, within a quarter of a century, it is beginning to be recognized in this country. But the same old battle is being waged about it which every new truth of science has had to fight.

The disease of inebriety may be termed suicidal insanity. It is an affection of the central nervous system, in which the dominant insane impulse is to use certain narcotic agents for their effect, irrespective of all consequences. The physiological and pathological state is one of exhaustion, for which the drug used, masks and intensifies every condition. In most cases, a state of defective brain exists before alcohol is first used, and this agent develops

the defect into full disease. The craving for alcohol is a false demand of the disordered governing centres which begins at a certain point, and marches down in a regular order of events. Like the switch on the main track of a railroad, it is the point of departure from which inebriety begins. This is the place where certain physical conditions act to turn the current of life into the side track, to switch off the train of health from the through line.

Heredity is one of the most prominent physical conditions, which becomes a switch point in the history of the case. It is estimated that over sixty per cent. of all inebriates inherit a defective brain and nerve organization. Consumption, insanity, pauperism, and many other effects, all spring from this source and follow each other. Thus, the parents who are inebriates or insane, will be followed by inebriate or insane children. Consumption, criminality or pauperism, will appear in the children of inebriates or insane. When any one of these affections are present in the parents, some other form of these disorders, or the same, may appear in the children. Moderate drinking always leaves an impress on the next generation in defective brain and nerve organization. In heredity from inebriety there is transmitted a special nerve defect which, from certain exciting causes, will always develop into inebriety, or one of its family group of disorders. In moderate drinking and inebriety there is an absolute certainty of the transmission of physical and mental defects which will break out in some form of disease, confirming the statement that the sins of the father are visited upon the children unto the third and fourth generation.

Another prominent switch point in the causation, is injury to the brain or spinal cord from blows, shock and disease. For instance, a blow on the head, an injury to the spinal cord, or a wound in any part of the body, or else hemorrhage or acute disease, which have left a profound impression on all the organs, and from which recovery is slow, is often followed by inebriety, beginning with a craving for spirits to relieve a sense of exhaustion. Another form of injury that is obscure, but equally prominent as a cause of inebriety, is mental shock,—that is, the effect of sudden grief, alarm, loss, sorrow, or any great emotional change, which has in some way deranged the balance of the system, bringing an obscure nerve paralysis, and a form of suffering that finds relief in the narcotic effect of alcohol. This series of causes are numerous

and ~~have~~^{has} not attracted attention yet; but they explain clearly many mysterious cases, where previously temperate men have become inebriates after some great loss or suffering.

Under the general terms *strain* and *drain*, are found a great variety of causes that bring on inebriety, as seen in the army of overworked and underfed men who are strained mentally and physically, who live and work in the most unsanitary ways and surroundings. Alcohol taken as bitters, or in any form, is a most seductive narcotic, quieting the protest of the abused organs; exploding a train of disease, or developing one under a mask of restoration. These are only intimations of the vast chains of physical causes entering into all cases of inebriety; and the use of alcohol is only a symptom.

When the symptoms of inebriety are grouped and studied together, it is found that they are all alike, and follow a uniform progressive march from stage to stage. That is, notwithstanding all the obscurity, the halts and changes in the progress of the case, they all follow the same road, pass the same bridges and reach the same terminus. This is not a matter of accident or chance, but the action of some physical laws that will be known and studied in the future.

Another fact seems to be indicated from a great variety of evidence, existing as yet merely in outline, but still sufficiently clear to be recognized: viz., that inebriety moves in waves and currents, or, like an epidemic, prevailing for a time with great activity, then dying away; it is both endemic and epidemic at times. The statistics of persons arrested for inebriety, extending over a long period, indicate certain years in which it prevailed to an alarming extent, then declined to a minimum. This tide-like movement is sometimes well defined, then obscure; but through it all there appears a progressive regularity that is significant of some great laws and forces. In 1879, Dr. Westphal read a paper before the Medical Society of Sweden, which showed from statistics that, in 1874, a maximum period or high tide of inebriety took place in that country. From these statistics he showed that this tidal movement had gone on progressively for a period of seventeen years, reaching its highest point in 1874, then receding in about the same ratio at which it had begun, very like the movements of the planets, passing the perihelion and starting back to the aphelion of their course. It appeared also that the mortality from

inebriety reached a high level or point at this time, and was also declining. Lunier, of Paris, in a study of delirium tremens from hospital statistics of France and Germany, found that a period of the highest mortality had occurred in 1876, and declined from that time. Dr. Morris, of Australia, found from statistics that an inebriate wave had reached a maximum point in 1862, and declined from that time to 1874, when the record was made. In different sections of England a similar wave was noted (from statistics) to occur about 1881, and from that time to decrease. In Massachusetts, the convictions for inebriety seemed to have risen to a high point in 1873 and in 1875, and to have declined from that time. Mr. Bourne read a paper before the English Statistical Society in 1882, on the *national expenditure upon alcohol*.

In a history of the progress of consumption of spirits from 1857 to 1881, it was found that from 1857 to 1876 there was a progressive increase of spirits used each year out of all proportion to the growth of population. This increase was regular following some unknown law of progression up to its point of maximum intensity in 1876. From this time a similar progressive retrograde march has set in, and each year since a steady ebb backward is clear from statistics. This is confirmed from the revenues levied on grains, sugar and molasses, converted into spirits, which, in 1876, were larger than ever before, and has steadily declined from that time. This is an additional evidence of this wonderful cycle or drink orbit.

These are some of the hints of great unknown laws which govern the march of inebriety. If future studies should confirm these statements, they would explain the strange temperance revivals which spring up from the slightest causes and sweep over the country, dying away with the same mystery and suddenness. These wave-like temperance movements, which are felt in all societies, in churches and legislative halls, are more than the first rumblings of a great revolution of public sentiment. They are the reactions of inebriate waves, or the backward swing of the pulse of public opinion from some high tidal point of inebriety. The same principle runs through all nature,—the struggle and effort to adjust the lost balance of forces, to neutralize and remedy the wrong. The temperance movements are psychological and controlled by law, not accidents or chance conditions. This is a frontier line of scientific investigation, and who can tell what future studies in this field will reveal?

An exact study of all the facts concerning inebriety will show that it is preventable, and can be diminished or cured as positively as other afflictions. What can be done in a single instance is evidence of the possibility from a wider application of the same forces. In prevention, the man who inherits an inebriate and neurotic disposition, or a defective brain and nerve organization, can be taught to avoid all the conditions of life which favor the growth of this disorder; he can be taught to avoid alcohol, and every form of mental strain or drain. Children from inebriate, insane, or defective parents, require a special education, and if left to themselves and the present educational methods, will certainly be wrecked. It is a fact beyond all doubt, that the education of today, applied irrespective of the natural capacity of the person, and along unphysiological lines, literally destroys and unfits a large class for healthy and rational living. Often the ignorance and ambition of parents, who are educating and pushing their children into positions of life for which they are unfitted, is the direct cause of an early decay, of which inebriety, insanity, and kindred affections are the symptoms or expressions. There is a strain on the organism unfitted by nature or education to bear it; and thus education, instead of developing and strengthening the body and mind, literally weakens and makes it more incompetent for the duties of life.

Thus it is clear that prevention through education, teaching the sources of danger, and the surroundings and conditions of life, by which it can be avoided, is a thoroughly rational and practical door of escape. In the same way we can prevent fevers by removing the causes and conditions from which they come. Inebriety can be diminished and controlled with the same certainty as small pox, or any contagious fever. The principle is the same, viz., to remove the causes, and quarantine the victim, in the best possible conditions for returning health. To take away alcohol is only to remove one factor; the physical conditions which call for it must also be removed. If the man is in health, and living a natural life, alcohol is never demanded; it is only when the vigor and quality of the brain are impaired that alcohol comes in. Here it is a question of physical causes, known and unknown, and no theological mystery. The social science problem (in which the prevention of the loss and suffering to society is concerned), thus opens a field of absorbing interest. The perfection and development of society

turns on the number of its diseased and defective members. Society is elevated when the number of these diseased persons is diminished, and is likewise lowered when this class increases. The miseries and burdens which come from these sources are always a source of peril to property, to law and order. These are general principles, truisms to this Association, and serve to bring out in more startling contrast the presence of inebriety. The various authorities, who have estimated the number of these defective classes that are traced directly to inebriety, have varied widely, thus clearly showing that the facts are not all in yet. These studies have placed inebriety as the active cause of from fifteen to fifty per cent. of all insanity, from thirty to eighty per cent. of all idiocy, from sixty to ninety per cent. of all pauperism, and from fifty to eighty-five per cent. of all crime. These are the highest and lowest estimates, and indicate, beyond question, that inebriety is one of the most prominent causes in the development of all these disorders. The mortality from this source is a farther confirmation, and, no matter what the exact figures may be, its magnitude and prevalence come under the observation of every one. Every society and community furnish the most startling illustrations to the exact observer.

Here, we can realize the forces at work from which a large part of the burdens and miseries of society spring; burdens and losses that are not limited to this generation, but are perpetuated into the future. This vast army of inebriates and defective persons are the certain promise of a similar tide of misery, sorrow and loss in the future. The neglect to care for the inebriate, or to remove the conditions from which he springs, will be seen in the increasing number of criminals and paupers, and in demands for new insane asylums in the future; in the same way that neglect of all sanitary conditions about our homes, and of healthy living, will surely react in disease somewhere in the future. Thus, the evils we deplore, and the burdens we are called to bear, are growing up in our midst, and the seeds of all these evils are cultivated and springing up as surely as the oak follows from the acorn. Science indicates clearly that inebriety is both a curable and a preventable disorder which should come under medical care and control as much as yellow fever or cholera. The injury to society from this source has been recognized for a long time, and legal efforts to diminish and control it, are matters of more than passing interest.

The law assumes the correctness of the theological theory of inebriety, which affirms it to be a vice, and one phase of a wicked and vicious heart. The remedy of course is punishment by fine and imprisonment; the practical result of which is to produce the very effects sought to be removed. It is the universal experience of judges and prison authorities, that the punishment (by fine and imprisonment) of inebriates, never cures or prevents drinking, but, on the contrary, weakens and enfeebles the victim, rendering him less curable. Very much in the same way, the punishment of insanity and witchcraft always made its victim worse. In 1879, Massachusetts punished by fine and imprisonment, 14,000 inebriates, and in New York, in 1880, 54,000 commitments for the same cause were recorded. If these were all cases of the first commitment for this cause, it is the universal testimony of the best judges that ninety-nine per cent. of all these cases would be returned to prison for the same reason, sooner or later, while over seventy per cent. will merge into paupers and criminals. Thus, the object of this treatment, (to cure the victim, and prevent others from falling in this way,) is not accomplished, but the very opposite conditions are increased and intensified. The startling fact is sustained by the best evidence, that the legal treatment of inebriates, actually builds up and strengthens this disorder, and makes its victims more thoroughly incurable. Some of the reasons for this will be apparent in a review of the facts. The inebriate is always debilitated, and suffers from impaired brain and nerve force. Alcohol has broken up all healthy action of the body. In the prison treatment, both the quality and quantity of the food are ill adapted to restore or build up the weakened organism. The hygienic influences of jails and prisons are wanting in every respect, and adverse to any general healthy growth of body and mind. The psychological and mental influences of the jails are of the worst possible character for health. The surroundings and the associates precipitate the victim into conditions of mental despair, from which recovery is difficult. The only compensation to the inebriate is the removal of alcohol, and the State, in doing this, most terribly unfits him, and makes him more and more helpless for the future.

Thus, while civilization is one of the sources from which inebriety is produced, the blundering effort to remove it by penal treatment is an actual factor to intensify and increase the disorder. The treatment of inebriety from a scientific point of view, has

passed the stage of experiment, and is supported by a great variety of experience and collateral evidence that is not disputed. Probably the largest class of inebriates in this country are without means of support, and may be termed the indigent and pauper class. They are more or less non-supporting, and becoming burdens on the community every year, and on the tax payer. This class should all come under legal recognition, and be committed to work-house hospitals, built for this purpose in the country, on large farms in the most favorable surroundings. These hospitals should be training schools, in which medical care, occupation, and physical and mental training could be applied for years, or until the inmates had so far recovered as to be able to become good citizens and self-supporting. Such hospitals should support themselves from the labor of their inmates, having been built from moneys received from a tax on the liquor dealers, or a license fund, independent of the tax payer or of State support.

These places would receive the class who are now sent to jail, and those who are neglected until they have passed into chronic stages, and become inmates of prisons and insane asylums. A very large proportion of these persons could be made to support themselves while under treatment, and, in some instances, do more. The hospitals would naturally divide into two classes. The first would receive the better or less chronic cases, and the second would have the incurables, and those whose recovery would be more or less doubtful. In one case, the surroundings and discipline would be more adapted for the special inmates than in the other, but the same general plan of treatment would be followed in each.

In the one, recoveries would follow, and a large class would be restored to society, and become producers; in the other, the cases would be housed, and made to take care of themselves, which would be an immense gain to society of itself. Private enterprise should be encouraged by legislation to provide small hospitals for the better class, and those who would not be willing to go to public asylums. Here, the commitments should be both forced and voluntary, and the restraint combined with the fullest appliances of science for the end to be accomplished, blending seclusion, good surroundings, and every possible means to build up and make recovery possible. Such places would attract the over-worked business and professional man, the clerk or the artisan

who is on the borders of inebriety, and who would find relief, rest, and help, long before it was too late. Without the publicity of a large asylum, they would always attract a class of persons, who need rest and quiet, in the best hygienic surroundings and conditions of living; also they would attract the benevolent, and might receive large endowments, because founded on the principle of helping those who help themselves. All would be conducted on the same general plan, only varying in minor particulars to meet each class of cases.

The first step is to recognize the fact, that the inebriate, whether continuous or periodic, has, to a greater or less degree, forfeited his personal liberty, and become a public nuisance, and a great obstacle to all social progress and civilization. Then that he is suffering from a disease whose influence affects society, and every member of the community in which he lives, from which he can not recover without aid from other sources; making it absolutely necessary that he should be forced into quarantine on the same principle as a small-pox or yellow fever case. It is simply carrying out the highest principle of self-preservation, to take care of this class, and thus protect them and the community in which they live.

Most naturally the means to accomplish this would come from the license revenue, on the principle that every business should provide for the accidents and injuries which follow from it. Railroad companies and other corporations are required to pay damages for the accidents which follow their business, and this is conceded to be justice! but today the tax on the liquor traffic is used to support courts and jails, where the inebriate, by fines and imprisonment, is made worse and more incurable. Thus literally the business of selling spirits is increased, by the almost barbaric efforts of courts and jails, and every person so punished is made a permanent patron of that business. Against this all the teachings of science, and all practical study, utter loud protests. The practical success of Work-House hospitals for inebriates is demonstrated in every self-supporting jail and state prison in the country, where the obstacles are greater and the possibilities of accomplishing this end more remote; also in asylums of both insane and inebriate, and the many varied sanitariums and hospitals all over the country, where the capacity of self-support, and the curability of these cases are established facts. More than that, these hospitals

would relieve society of great burdens of suffering and loss ; and the diminution of insanity by treating the inebriate would become a practical certainty, the extent of which we can have no conception of at present. It is impossible at this time to conceive the practical results of housing and treating the inebriate, but there are positive indications that its effects would be felt in all circles. One of the great fountain heads of insanity, criminality and pauperism would be checked, and a new era would dawn in the evolution of society.

These are some of the teachings of science, which like lights along the shore, stand out clear and unmistakable above the fogs of ignorance and doubt. These are the great "head-lands" from which a knowledge of the laws and forces must begin, and lines along which we shall find out the sources and forces developing inebriety and the vast armies of the defective classes, and the means to prevent and cure them. The practical bearings of this subject are as yet in their infancy. We have not crossed the frontier lines of research. To the scientific man, the possibilities of restoring the inebriate and stamping out inebriety, to a large degree, is only limited by our want of knowledge of the laws and means to accomplish this end. We pause on the confines of this almost unknown realm of social science, and looking over into the darkness before us, we are assured that the same eternal reign of law and order exists there, of cause and effect, of circumstances and conditions, of positive physical forces, the same which develop the typhoid fever case, the consumptive, the idiot, the pauper, the insane or the inebriate, obeying some unknown germ force, but always following a line of laws as fixed and eternal as that which governs the planets. Along this border line science is gathering her forces, and no one can predict what facts and discoveries will be made in the future.

My purpose would be unaccomplished did we not enter an earnest plea to lay aside all theories of religious teachers and reformers, and examine inebriety from the side of exact science. To demand the facts concerning the physical conditions and circumstances from which inebriety springs, and when these have been gathered from many sources, by many accurate observers, then we shall have data from which to determine the laws and means for cure and prevention. Like a problem concerning the stars above us, our only approach to its solution is along the line of

accurately observed facts; studied in this way, inebriety and its remedy will be no mystery.

A summary of some of the facts mentioned will bring out the subject more clearly. (1.) Inebriety as a disease, was noted in antiquity, and has ever been considered a form of insanity, marked by a progressive march or order of events, from certain physical causes, on to death.

(2.) The march of inebriety is in waves and currents controlled by some unknown law, clearly within the range of a wider knowledge to prevent and remedy.

(3.) The treatment of inebriety by penal methods is disastrous to the victim, actually intensifying and making the disorder more incurable.

(4.) Physical treatment and isolation in special work-house hospitals, where the best conditions of physical and mental health can be applied and maintained for a long time, give the largest promise of cure and permanent restoration, and are the means suggested by nature and scientific study.

(5.) As a question of economy, simply, it would be an immense gain to the tax-payer and society to thus quarantine these persons, and make them self-supporting. This is a fact whose practical character is well assured in many ways.

(6.) No progress can be expected in the solution of this problem until the subject is studied from a higher point, and as a question of fact, and along the line of great natural laws.

VII. HOUSE-BUILDING WITH REFERENCE TO PLUMBING AND HOUSE-DRAINAGE.

BY GEO. E. WARING, JR., OF NEWPORT, R. I.

(Read Wednesday, September 5, 1883.)

So many changes have been rung upon the scale, that it is difficult not only to say anything new about house-drainage, but to say old things in a new way. The only justification for further reference to the matter, save for a few recent modifications, is to be found in the injunction, "Line upon line and precept upon precept."

While the community is much exercised concerning sewerage and house-drainage, and while the subject is one of interest and of frequent discussion, it is, thus far, very imperfectly "formulated" in the public mind. All are agreed that their towns and their houses should be well drained; bad sanitary condition is a universal bugbear; ailments of all sorts are eagerly ascribed to mechanical sanitary defects, and zymosis is the fetic of the day. Despite all our enthusiastic conviction, however, we are willing to make but little sacrifice to secure immunity from what we so greatly apprehend; we prefer to eat our cake and have it too.

It is not possible, in the present state of the art of house-drainage, to have a stationary washstand in every bedroom of the house, a bath, sitz bath, water closet, urinal and washstand in each of several bathrooms on every floor; to have a slop-hopper in every dark closet, with sinks and laundry trays and servants' closets scattered here and there at whim, and at the same time to protect the household against all of the possibilities of "bad drainage." A most important step in sanitary reform is to be sought in the subjection of house building fancies to sanitary security. In this case "security" is very largely a synonym of "simplicity." It is convenient, of course, to have water supply and waste pipes at every turn, but here an excess of convenience is to be purchased only with an increase of risk. In old houses, which are to be altered, or into which drainage works are to be introduced, it is not always easy to bring plumbing within a compact and easily inspected compass. Pipes must pass through rooms and passages where they must be covered from sight, and under floors where they must be covered for convenience. Long horizontal runs are

not always to be avoided, and generally we are reduced to making the best of a bad job. In this case, especially, the judicious builder will hold a firm rein on the desire for a luxurious diffusion of conveniences.

The architect has, as a rule, not been a leader in sanitary reform. He is sometimes too slow to give up his old habit of leaving the details of plumbing arrangements to the plumber. Though not the first to move, and though still slow, he is now beginning to realize that, in addition to his multifarious and important other duties, he must, in response to a growing popular demand, and in obedience to better understood requirements, take an immediate and direct control of at least so much of the plumbing as relates to the removal of waste matters from the house. Those engineers who have devoted themselves to sanitary drainage, have been and still are, almost as useful as they have been aggressive; but their most important office relates to the creation and direction of public opinion, leading to a demand for improved methods and for improved control on the part of architects and plumbers.

Our best hope for universal reform must depend almost entirely on this; a professional sanitarian will not be consulted in one case in a thousand, nor will his advice be followed, without the approval of the architect and plumber in one case in a hundred. He has performed very well, — one is almost tempted to say, over-well, — his duty of arousing popular apprehension. His future useful influence will be largely exerted in calling attention to matters of detail, and in marking out the general lines which the architect and plumber are to follow; in this work as in that which he has thus far done, he must look for the means of enforcing his teachings to the apprehensive intelligence of those for whom houses are to be built or remodelled. There are several principles which should always be kept in mind. These have become so trite that one almost hesitates to restate them. They are these:

The production of waste is an inevitable incident of human life. The excretions of the person, the discarded portions of food, the water of ablutions and of the laundry, and the various organic dust and offal of the household are all of them liable to become a nuisance dangerous to life unless properly removed. They are rarely dangerous when first produced, but they become increasingly dangerous and offensive as they enter into the decomposition, which is the fate of all discarded organic matter.

This refuse must, in one way or another, be removed before decomposition develops its power for mischief. Whether the rough garbage of the kitchen, the drippings of the sink, or the dejections of the body, all must in one way or other be, sooner or later, removed from our presence, the earlier and the more completely the better. It is hardly worth while to occupy time in the enforcement of this general principle; it is worth while to call attention to the fact that there can be no perfect sanitary condition unless removal is not only prompt but complete. Within certain limits, it is true that filth is objectionable in proportion to its volume, but very limited volumes may become pernicious, and even such traces of filth as adhere to the walls of receptacles and of outlet channels, have sufficient capacity for mischief to command careful and serious consideration.

In applying these remarks to existing domestic conditions, we shall be justified on this occasion in confining our attention to houses which are to be provided with reasonable completeness with what are known as "modern conveniences." So far as garbage is concerned, it is enough to say that there has been, thus far, no general adoption of a civilized method for its removal.

When we speak of the drainage of a house, or of its sanitary condition, we generally have in mind the manner in which it is relieved of such of its waste matters as can be transported in running water, and it will suffice now to consider the methods by which such removal may best be carried out, including in our review the character of the receptacles into which the wastes are discharged, whether sinks, slop-hoppers, or water-closets.

Regarding the waste-pipe, the first and simplest rule is that it should be of such material, and so constructed, that it will permanently carry away all water that may reach it. This has always been understood. The next is, that the joints of this conduit should be secure, not only against the leakage of water, but equally against leakage of air. This rule has been understood, theoretically, for a good while, but practically, it is rarely adhered to. I have tested few soil pipes under a head of water, in which leaks through imperfect joints have not been developed.

The interior of the conduit should be as nearly as possible in the same atmospheric condition as the air outside of the house. That is to say, there should be a constant circulation to facilitate the rapid decomposition of the inevitable sliming of the walls, and the

immediate dilution and removal of the gaseous products of such decomposition. In working toward this condition, we first carried up small vent pipes from the tops of our soil pipes; later, we continued the pipe full bore to the top of the house; later still, we introduced a supply of fresh air at the foot to maintain a complete circulation; and, last of all, we enlarged the soil pipe at its top to increase its draft.

As with the conduit itself, so with the receptacles and connecting pipes leading to it. These should be sufficiently ventilated in every part, and all closets and sinks of every sort should be so freely exposed to the open air that no suspicion of "closeness" can ever attach to them.

At every point, the water used for the transportation of the wastes that are to pass through our pipes should be used in the most effective way. A thread of water running from an imperfect faucet is, practically, of no value whatever. It follows a narrow and uncertain course along the side of the soil pipe, or drain, with no power to wash its general surface and with no power to remove accumulations. It is pure and unadulterated waste. Incidentally, it may be said that in very many houses, its total volume is far greater than that of all the water used, and that in many towns, including New York city, the aggregation of these ineffective dribblings is almost the sole source of insufficient water supply. It is hardly practicable under any ordinary head, especially on the upper floors of houses, to deliver into a water closet, or into a slop hopper, or sink, a sufficient stream of water to secure the efficient cleansing of its waste pipe. It is in this direction that one of the most important of modern reforms is being exerted, working rapidly toward a most effective improvement in the whole practice of house drainage. The watchword of our best present movement is the word "Flush"! It will not be long, we may be sure, before it will be universally understood that after pipe ventilation, the great secret of good drainage lies in the use of abundant volumes of water delivered in a mass along with each contribution of filth. A perfect system of drainage and water supply would be one where at all ordinary times, not a drop of water flowed through the outlet channels, only occasional dashes of several gallons lubricating the walls of the pipes and carrying along completely and with velocity, substances which, under the old system, smeared their sluggish road along the pipe, and left material for infectious decomposition at every step.

However perfect may be our channels, and however complete and instantaneous may be our flushing, we see as yet no way, nor are we likely to see a way, by which the insidious effect of the slight local decomposition within the drainage channels may be entirely obviated. Even were it obviated by the application of devices of which we, as yet, have no knowledge, there would still attach to our drains at least the suspicion of unpleasantness. For this reason our receptacles of waste matter must be shut off or sealed from the interior of the drainage system by the most perfect and continuous means of separation that can be secured. Here is a point on which I find myself, unfortunately, at variance with most of the authorities, and I confess, that while I have little faith in the almost universal specific of trap ventilation, I am by no means clear as to the best substitute for it in all cases, only clear that a substitute *must* be found. In my opinion, all that we can safely say is that, in one way or another, either by a permanent and secure water seal of good depth, or by the interposition of mechanical obstacles to the return of the air of the drain, we must manage in all cases to separate the air of the soil pipe from that of the interior of the house. While no universal recipe can be furnished for this, there is no case in which, by one means or another, the desired result cannot be obtained.

In the foregoing review of the requirements of a properly constructed drainage system we have an indication of all that is absolutely essential to compass. In the treatment of the various points referred to, the cardinal rule of great simplicity should ever be borne in mind. Drainage works may be introduced into a house in such a manner as to be to all intents and purposes, absolutely safe. The shade of apprehension which they may justly cause, is, in the case of simple and well arranged work, practically not to be considered. It is, however, a case suggesting something like the mathematical expression, "inversely as the square of the distance." If a certain amount of piping is in the least degree dangerous, twice that amount is four times as dangerous, and four times that amount is sixteen times as dangerous, and so on, — not absolutely, of course, but relatively. In other words, while we make all of our drainage works as perfect as possible, let us limit ourselves in all cases to the very smallest amount of piping, the least amount of ramification, and the smallest number of water-closets and other vessels, consistent with reasonable convenience.

A stationary washstand in a bath-room, having a short and well-flushed connection directly with the main soil pipe, need never be objected to. A stationary basin ten or twenty or thirty feet distant, with a long connection pipe should always be avoided. The luxury of an abundant flow of water in every bedroom, seems at first blush to be worth all its cost. If we mean cost in money, this is true; if we mean cost in risk, it is by no means true. Practically, it is one of those luxuries in which no considerate person appreciating all the bearings of the case, would think of indulging himself. One of the leading arguments of the trap-ventilation school is that such ventilation leads to the complete aeration of long lateral wastes. My remedy would be to abandon, as we always may, in new work, the use of long lateral wastes. I should give an abundant supply of water at one convenient point on every floor. In larger houses, where bathrooms and water-closets may be required at considerable distances from each other, I should give each its independent soil pipe. Wherever a soil pipe was constructed, I should permit a good deal of license as to the conveniences in its immediate vicinity. But the moment the question arose of giving a washstand or a sitzbath or a urinal to an apartment, even ten feet away from the soil pipe, I should exert all of my authority and influence in opposition to it. I should even oppose too generous a distribution of soil pipes themselves, bearing always in mind the cardinal principle that the more we concentrate our discharge of wastes through single channels, the better. One water closet is better than two if it will afford reasonable convenience. A bath waste is kept in better condition, the more frequently the contents of the bath tub are discharged through it; therefore, the fewer bath tubs the better, and so throughout the whole range of plumbing appliances. Many "sanitary engineers," and more plumbers, will tell their clients that this is pure theory, and will advise, or consent to, a wealth of conveniences all about the house. Plumbers are proverbially slow to learn, but they learn, nevertheless, and they will in due time accept the pure theory as the wisest practice. Their clients will do well to anticipate them.

My own present idea is, that if we get rid of lateral waste pipes longer than are needed for the connection of the most distant fixture in a bath room, there will be a sufficient change of the atmosphere of these pipes, resulting from their open connection with a

thoroughly ventilated soil pipe. Assuming this to be so, then the question of traps is the only important one that is not yet satisfactorily solved. As I have already indicated, I do not regard the system of "back ventilation," or the venting of water-seal traps, as satisfactory. Although accepted and vigorously recommended by well known authorities on house drainage, it seems to me only a make-shift, and a make-shift that is attended with possible dangers, at least equal to those which it is intended to remove. Mechanical traps are a make-shift also, though, on the whole, much less objectionable than the venting device. So far as I can judge, from all that has yet been said and done, the best solution of the difficulty will be, if it can be made practicable, to allow the use of no trap of any kind, nor in any position which is not in full view whenever the fixture is used, — excepting, perhaps, certain subsidiary traps on kitchen and laundry wastes. If we can trap our wash-basins in such a way that the top of the water seal shall always be in view on looking into the bowl, and our bath-tubs in like manner, we will, I think, have secured the necessary safeguard, and we will have gained the further advantage that persons of tidy disposition will see to it that a sufficient amount of fresh water is always passed through them to ensure their constant cleanliness. In its present position, the trap of a wash-bowl is out of sight and generally out of mind. Unless frequently and copiously used, it becomes the seat of a decomposition which makes it an offensive neighbor. The question of overflow pipes for wash-bowls is still to be solved, and it cannot be denied that a wash-bowl overflow is almost universally a nasty thing. Bath-tubs may be, and in the best work they generally are, provided with standing overflows, which are quite free from objection; so far as I know, they are the only ones that are free from serious objection. In the case of water-closets, it seems to me now entirely feasible, and most important, to insist that there shall be no trap used in connection with it, except in the bowl itself or in the outlet pipe, within plain sight from the bowl. There are now to be found a goodly number of closets of this character, beginning with the very simple and efficient plain hopper. I think that all of the side-plug closets, of which the old "Jennings" is the type, should be rejected. If we retain closets of the old "Brahma" pattern, in which the water is held in the bowl by a valve at the outlet, we should make sure that this valve will be permanently efficient, so as to justify the entire

abolition of the water seal trap below. Invention has not yet gone very far in this direction, and we are only at the threshold of the success that is in time to be attained ; but we have gone far enough to demonstrate, in my judgment, the absolute wisdom of rejecting, not only the pan closet which all condemn, but the whole range of devices, which depend for their separation from the soil pipe on a trap of which the water is not in full sight.

Another point to be considered, is the almost universal advisability of abandoning the use of slop-hoppers, constructing the water-closet in such a manner that it may serve the double purposes in the most perfect way, — that is, by setting a clean earthenware closet bowl on a tiled floor entirely open at least, to the front, with its cover so arranged as to facilitate ventilation as much as possible. The whole business of close carpentry about water-closets, used in connection with lead flashings, or the much better earthenware tray at the top, ought to be abandoned for good and all.

Again, all the devices for arresting and storing the grease of kitchen and pantry sinks with a dependence on hand cleansing, that is, the old system of grease traps, should also be discarded. In one way, or another, it should be provided that the waste of the sink shall all be retained in a mass until a considerable quantity has accumulated, and until its greasy contents is chilled, allowing never a drip into the waste-pipe, but thus securing from time to time, the discharge of a strong flushing volume, sufficient to keep the channel perfectly clear and to carry forward through the house drain the burden of material which, when discharged in dribblets, is sure to adhere to the walls of the pipe.

The soil-pipe ought never to be built into the wall or in any manner covered from view. Especially should all openings in floors through which pipes pass from one story to another be hermetically closed against the possible passage of air. In much of the better house-drainage that I have been called to examine, even very recently, the soil-pipe is hidden ; no attempt is made to prevent the passage of air from floor to floor, there being an open channel beginning at the cellar, continuing through the soil-pipe casing and through the different floors, taking up its quota of the exhalations of putrid urine and slops and leakage almost inevitable with the tightly cased closet, through to the attic of the house. Ordinarily, the passage of the pipe through the roof is the only one that is carefully secured, and this only to prevent the

entrance of rain-water. Under this arrangement, the atmospheric impurities of one story are transmitted to the next, and as a perfect joint can with difficulty be made between a soil-pipe casing and a finished wall, there is ample opportunity for exhalation throughout the whole course, and especially about the casing of the water-closets, etc. This defect is a serious one in most of the best work now done, but it is one which can be, and which certainly should be completely removed.

It is already pretty well understood, and [the principle is very generally adopted, that the soil-pipe in its course from its vertical portion to the outlet drain should always be in plain sight throughout its whole length, and should all be of the best and most durable material, jointed in the most careful manner. Under no circumstances should earthenware pipes be used within the walls of the house, nor for a certain distance beyond them, and never, except under the most imperative conditions, should any kind of drain be laid under the cellar floor. In this case, as in all others, every effort should be made to have the whole thing in plain open sight, where the least leak or defect may be detected at once.

I was requested to furnish a paper on House-Building with reference to Plumbing and House-Drainage. It has seemed impossible not to follow the logical sequence and to state at the outset what plumbing and house-drainage works should be. Perhaps because of the importance of the subject, and perhaps only from force of habit, I have consumed most of my allotted space before approaching the house-building question at all. It seems, indeed, difficult to find much to say in this connection about the building of houses. Very few houses are built with reference to their drainage works, and it cannot be expected that many will be so built. The drainage is for the house, not the house for the drainage. At the same time a few words of advice may be offered to architects, and especially to those owners,—above all those house-building women—who are determined to combine the greatest convenience with the greatest safety.

What is generally regarded as necessary to luxurious and entirely convenient living is, as I have indicated above, inconsistent with absolute security. It is well within the power of the plumber to distribute his fixtures and their supply and waste-pipes in wild ramification throughout the whole building, and to make the whole pretty nearly safe; it is not, in my opinion, possible for him to

make such widely distributed work entirely safe. My advice to all intending house-builders would be to provide an abundant supply of hot and cold water, at least on two floors of even the most ordinary house; on every floor of houses of a more generous character, and perhaps at two or more points on each floor of very large houses. I would absolutely reject all water closets, wash-bowls, and baths from every bedroom, and from every closet opening into a bedroom, concentrating them all in one or more bath-rooms on each floor. The proper furnishing of clean water and removal of foul water in different rooms, is a matter of little labor if the supply may be drawn and if the waste may be discharged without going up and down stairs, while the cleanliness and absence of fœtid organic decomposition is so much more easily compassed with the movable wash-bowl and pitcher, that this alone is a sufficient compensation for the slight additional service. The slop-hopper, almost always an abomination located in a dark and unventilated closet, should find no place in any part of the house, nor should the ordinary urinal. A properly arranged water-closet will, as I have already said, serve both purposes in the most perfect and convenient manner.

The location of the bath-room is to be determined by several considerations. It must be conveniently placed; it must be protected by its position or by artificial warming against the inroads of frost; and it must, *absolutely*, be supplied with efficient ventilation, and with a ventilation that it is very difficult to secure unless it is placed against an outer wall of the house, and furnished with a direct opening to the outer air. A frequent position of the bath-room in New York houses, between the front and rear bedrooms, and opening into one or both of them and into the hall, is probably the worst that could be devised. I do not, however, regard even such a position as absolutely inadmissible. If the drainage works are thoroughly well constructed, and if all of the indications that I have given concerning simplicity of arrangement, freedom of access, and absence of carpentry are followed, and especially if the principle of copious flushing and the entire abolition of dribbling are insisted on, perfect ventilation of the apartment will be a matter of comfort rather than of health.

VIII. MORAL EDUCATION IN THE COMMON SCHOOLS.

AN ADDRESS BY W. T. HARRIS, LL.D., CHAIRMAN OF THE DEPARTMENT OF EDUCATION.

(Read September 4, 1883.)

As a body devoted to the study of social science and interested in all means of securing the welfare of society, we are especially concerned with ethics or morality as the doctrine that relates to the forms in which society finds it possible to exist. Without conformity of the individual will—the will of the particular man—to the will of the whole, society is impossible. Society exists by means of institutions, and institutions are forms that mould the individual, and, as it were, out of many wills make one will.

In a country like the United States, where has been realized the most complete form of political freedom in local self-government, the question of education of the individual into moral self-control must have primary importance. Besides the general fact of local self-government, there are also special conditions which urge upon us now more than formerly the practical consideration of the question of moral education.

I will therefore take the liberty to call your attention briefly to some of the influences at work in the United States, whose effort is unfavorable to the growth of moral character. There are five that deserve special mention: (1) The conflux of nationalities brought about by migration; (2) The possibilities of rapid acquirement of wealth; (3) The necessity for frequent changes of vocation; (4) Local self-government; (5) The growth of science and literature, and the diffusion of knowledge.

All parts of Europe and some parts of Asia are sending us their emigrants. Each emigrant brings some peculiar moral habits which clash with our own. The result is, that each and all, immigrants and natives, have to learn tolerance. But moral punctilios cannot be trifled with safely. When people are politically compelled to be tolerant of petty customs that they believe to be immoral, there follows a relaxation of genuine morality itself.

Even when a false bigoted prejudice that has rooted itself among the moral virtues is pulled up, the cardinal virtues themselves suffer injury. The possibilities of rapid wealth generate excesses of all kinds, excessive work, excessive indulgence. Besides this, the

man who conquers fortune by his own efforts finds himself unprepared for the new responsibilities and temptations that wealth brings. He has conquered so much through industry that he feels he can conquer the fixed laws of morality. Again, the diffusion of scientific knowledge among the people weakens the bonds of authority of all kinds, and replaces the terror felt for some unknown punishment by a moderate apprehension of some physical inconvenience, the moral command having lost its sanctity and become a hygienic prescription.

Besides this, science gets applied in the mechanic arts, and an age of invention results. New inventions cause old trades to grow obsolete, and a general change of vocations becomes prevalent. The change of vocations throws the laborer from one set of conditions into another, for which he is unprepared. Each guild or occupation has its special temptations, and learns to prepare its youth to resist them. The change of vocation brings danger, because the laborer takes up a business whose temptations he has not learned to resist.

The spread of local self-government, likewise, adds to this reaction against moral authority. Politics in a democracy is a process in which the arbitrary will and capricious desires of individuals are transmuted into the higher personality and irresistible will of the State.

This process affords occasion for the full activity of animal cunning and other brute qualities. The school of politics undermines moral principle, and sets up unscrupulous policy in its place. Doubtless in the course of time sagacious statesmanship will discover the necessary forms and restrictions to prevent political corruption, but much evil must needs be expected before that consummation.

These causes of the weakening of morality in our time and country are causes that cannot be removed, and that it is useless to lament. But they ought to be provided for by all forms of education. The school, the family, the church, the State, should all work in harmony towards this desirable end. No moral training will be equal to the emergency, unless it gives inward strength of character such as will enable the youth to act aright in novel situations, and to sustain his integrity under pressure of circumstances. With no prospect of abatement in scientific discovery, or its application in the mechanic arts, there will still prevail: (1) the rapid

production of wealth; (2) the mingling of nationalities by migration; (3) consequent changes of vocation, and (4) local self-government; and (5) increasing independence of mere personal or traditional authority; and these will continue to offer extraordinary obstacles to the preservation of our ethical customs. But such a strength of character as will be required to overcome those obstacles is a much nobler form of moral life than one which is deadened into custom.

One may distinguish moral duties or habits which ought to be taught to youth in three classes: (a) Mechanical virtues, in which the youth exercises a minimum of moral choice, and obeys an external rule prescribed for him. In this, the lowest species of moral discipline, the youth learns self-denial and self-control, and not much besides. (b) Social duties, those which govern the relation of man to man, and which are the properly called "moral" duties.

In this form of moral discipline the youth learns to obey principle, rather than the immediate will of another, or a mechanical prescription.

(c) Religious duties, or those based on the relation to God as revealed in religion. In these the youth learns the ultimate grounds of obligation, and gains both a practical principle for the conduct of life and a theoretic principle on which to base his view of the world. In his religious doctrine man formulates his theory of the origin and destiny of nature and the human race, and at the same time defines his eternal vocation, his fundamental duties. The mere statement of this obvious fact is sufficient to indicate the rank and importance of the religious part of the moral duties.

In the school we note first, the moral effect of the requirement of implicit obedience—a requirement necessary within the school for its successful administration. The discipline in obedience in its strict form, such as it is found in the school-room has four other applications which remain valid under all conditions of society: (a) Obedience towards parents; (b) towards employers, overseers and supervisors as regards the details of work; (c) towards the government in its legally constituted authority, civil or military; (d) towards the Divine will, howsoever revealed.

In each of these four forms there is and always remains a sphere of greater or less extent within which implicit obedience is one's duty. In the three first named this duty is not absolute, but limi-

ted — the sphere continually growing narrower with the growth of the individual in wisdom and self-directive power. In the fourth form of obedience to the Divine will, the individual comes more and more to a personal insight into the necessity of the Divine law as revealed in scripture, in nature, and especially in human life, and he becomes through this emancipated relatively from the direct personal control of men, even of the wisest and best, and becomes rather a law unto himself.

He outgrows mere mechanical obedience, and arrives at a truly moral will in which the law is written on the heart.

The pillars on which school education rests are behavior and scholarship. Deportment or behavior comes first as the *sine qua non*. The first requisite of the school is order; each pupil must be taught to conform his behavior to the general standard, and repress all that interferes with the function of the school. In the outset, therefore, a whole family of virtues are taught the pupil, and taught him so thoroughly that they become fixed in his character. In the mechanical duties habit is everything, and theory little or nothing.

The pupil is taught (a) Punctuality: he must be at school in time. Sleep, business, play, indisposition — all must give way to the duty of obedience to this external requirement — to observe the particular moment of time and conform to it.

Punctuality does not end with getting to school, but while in school it is of equal importance. Combination cannot be achieved without it. The pupil must have his lessons ready at the appointed time, must rise from his seat at the tap of the bell, move to lines, return; in short, he must go through all the evolutions with this observance of rhythm.

(b) Regularity is the next discipline. Regularity is punctuality reduced to system; conformity to the requirements of time in a particular instance is punctuality; made general, it becomes regularity.

Combination in school rests on these two virtues. They are the most elementary of the moral code — its alphabet, in short.

This age is often called the age of productive industry — the era of emancipation of man from the drudgery of slavery to his natural wants of food, clothing and shelter. This emancipation is effected by machinery. Machinery has quadrupled the efficiency of human industry within the past half century. There is one

general training especially needed, to prepare the generations of men who are to act as directors of machinery and managers of the business that depends upon it—this training is in the habits of punctuality and regularity.

Only by obedience to these abstract external laws of time and place may we achieve a social combination complete enough to free us from the thralldom to our physical wants and necessities.

(c) Silence is the third of these semi-mechanical duties. It is the basis for the culture of internality or reflection—the soil in which thought grows. The pupil is therefore taught habits of silence—to restrain his natural animal impulse to prate and chatter; all ascent above his animal nature arises through this ability to hold back his mind from utterance of the immediate impulse. The first impression must be corrected by the second. Combination and generalization are required to reach deep and wide truths, and these depend upon this habit of silence.

This silence in the school-room has a two-fold significance—it is necessary in order that there may be no distraction of others from their work; secondly, it is a direct discipline in the art of combining the diffused and feeble efforts of the pupil himself.

These mechanical duties constitute an elementary training in morals, without which it is exceedingly difficult to build any superstructure of moral character whatever.

Moral education, therefore, must begin in merely mechanical obedience, and develop gradually out of this stage towards that of individual responsibility.

The strictly moral duties fall into two classes—those that relate to the individual himself, and those that relate to his fellows.

(a) Duties to self. These are physical, and concern cleanliness, neatness in person and clothing, temperance (total abstinence in some cases), and moderation in the gratification of the animal appetites and passions.

The school can and does teach cleanliness and neatness, but it has less power over the pupil in regard to temperance. It can teach him self-control and self-sacrifice in the three disciplines already named,—punctuality, regularity and silence,—and in so far it may free him from thralldom to the body in other respects. It can and does labor efficiently against obscenity and profanity in language.

(b) Self-culture. This duty belongs especially to the school.

All of its lessons contribute to the pupil's self-culture ; by its discipline it gives him control over himself, and ability to combine with his fellow-men ; by its instruction, it gives him knowledge of the world of nature and man. This duty corresponds nearly to the one named prudence in ancient ethical systems. The Christian Fathers discuss four cardinal virtues—temperance, prudence, fortitude and justice. Prudence places the individual above and beyond his present moment, as it were, letting him stand over himself, watching and directing himself. Man is a two-fold being, having a particular, special self, and a general nature, his ideal self, the possibility of perfection. Prudence stands for the theoretical or intellectual side of the cardinal or secular virtues.

(c) Industry. This virtue means devotion to one's calling or business. Each one owes it to himself to have some business and to be industrious. The good school does not tolerate idleness. It has the most efficient means of securing industry from its pupils. Each one has a definite task scrupulously adjusted to his capacity, and he will be held responsible for its performance. Is there any better training yet devised to educate youth into industry and its concomitants of sincerity, earnestness, simplicity, perseverance, patience, faithfulness and reliability, than the school method of requiring work in definite amounts, at definite times, and of an approved quality? The pupil has provided for him a business or vocation. By industry and self-sacrifice the pupil is initiated into a third of the cardinal virtues—fortitude.

Duties to others. Duties to self rest on the consciousness of a higher nature in the individual, and of the duty of bringing out and realizing this higher nature. Duties to others recognize this higher ideal nature as something general, and hence as also the true inward self of our fellow-men. This ideal of man we are conscious that we realize only very imperfectly, and yet it is the fact that we have the possibility of it in ourselves that gives us our value above animals and plants. In our fellow-men we see revelations of this ideal nature that we have not yet realized ourselves. Each one possesses some special gift or quality that helps him know himself. The experience of each man is a contribution towards our self-knowledge, and vicariously aids us without our being obliged to pay for it in the pain and suffering that the original experience cost. Inasmuch as our ideal can be realized only through this aid from our fellow-men, the virtues that enable us to combine with

others and form institutions precede in importance the mechanical virtues.

There are three classes of duties to others :—(1) Courtesy,—including all forms of politeness, good breeding, urbanity, decorum, modesty, respect for public opinion, liberality, magnanimity, etc., etc., described under various names by Aristotle and others after him. The essence of this virtue consists in the resolution to see in others only the ideal of humanity, and to ignore any and all defects that may be apparent.

Courtesy in many of its forms is readily taught in school. Its teaching is often marred by the manner of the teacher, which may be sour and surly, or petulant and fault-finding. The importance of this virtue, both to its possessor and to all his fellows, demands a more careful attention on the part of school managers to secure its presence in the school-room.

(2) Justice: this is recognized as the chief in the family of secular virtues. It has several forms or species, as for example (a) honesty, the fair dealing with others, respect for their rights of person and property and reputation.

(b) Truth-telling, or honesty in speech—honesty itself being truth-acting. Such names as integrity, uprightness, righteousness, express further distinctions that belong to this staunch virtue.

Justice, like courtesy in the fact that it looks upon the ideal of the individual, is unlike courtesy in the fact that it looks upon the deed of the individual in a very strict and business-like way, and measures its defects by the high standard. According to the principle of justice, each one receives in proportion to his deeds, and not in proportion to his possibilities, wishes or unrealized aspirations. All individuals are ideally equal in the essence of their humanity; but justice will return upon each the equivalent of his deed only. If it be a crime, justice returns it upon the doer as a limitation of his personal freedom or property.

The school is more effective in teaching the forms of justice than in teaching those of courtesy. Truth-telling especially receives the full emphasis of all the power of school discipline. Every lesson is an exercise in digging out and closely defining the truth, in extending the realm of clearness and certainty further into the region of ignorance and guess-work. How careful the pupil is compelled to be with his statements and in the recitation, and with his previous preparation.

Justice in discovering the exact performance of each pupil and giving him recognition for it, may give place to injustice in case of carelessness on the part of the teacher. Such carelessness may suffer the weeds of lying and deceit to grow up; it may allow the dishonest pupil to gather the fruits of honesty and truth, and thus it may offer a premium for fraud. The school may thus furnish an immoral education, notwithstanding its great opportunities to inculcate this noble virtue of honesty.

The private individual must not be permitted to return the evil deed upon the doer, for that would be revenge, and hence a new crime. All personality and self-interest must be sifted out before justice can be done to the criminal. Hence we have another virtue, which belongs to the law-abiding.

(3) Respect for law, as the only means of protecting the innocent and punishing the guilty, is the complement of justice. It looks upon the ideal as realized not in an individual man, but in an institution represented in the person of an executive officer, who is supported with legislative and judicial powers.

The school, when governed by an arbitrary and tyrannical teacher, is a fearfully demoralizing influence in a community. The law-abiding virtue is weakened, and a whole troop of lesser virtues take their flight and give admittance to passions and appetites. But the teacher may teach respect for law very thoroughly, on the other hand. In this matter a great change has been wrought in the methods of discipline in latter years. Corporal punishment has been very largely disused. It is clear, that with frequent and severe corporal punishment it is next to impossible to retain genuine respect for law. Only the very rare teacher can succeed in this. Punishment through the sense of honor, has, therefore, superseded for the most part in our best schools the use of the rod. It is now easy to find the school admirably disciplined, and its pupils enthusiastic and law-abiding—governed entirely without the use of corporal punishment.

The school possesses very great advantages over the family in this matter of teaching respect for law. The parent is too near the child, too personal to teach him this lesson.

III. Religious Duties. Higher than the properly moral duties, or at least higher than the secular or cardinal virtues, are certain ones which are called "celestial" virtues by the theologians. These are Faith, Hope, Charity, and their special modifications.

The question may arise: Whether any instruction in these duties can be given which is not at the same time sectarian? An affirmative answer will have to show only that the essential scope of these virtues has a secular meaning, and that the secular meaning is more fundamental than in the case of the so-called cardinal virtues.

(1) Faith, in a theologic sense, means the true knowledge of the first principle of the universe. Everybody presupposes some theory or view of the world, its origin and destiny, in all his practical and theoretical dealing with it. Christendom assumes a personal Creator of divine-human nature, who admits man to grace in such a way that he is not destroyed by the results of his essential imperfection, but is redeemed in some special way. The Buddhist and Brahmin think that finitude and imperfection are utterly incompatible with the divine being, and hence, that the things of the world cannot be permitted to have real existence. They exist only in our fancy. Here is no grace, no redemption. Nature is not a real existence to such a theory, and hence there can be no natural science.

In Christian countries the prevailing institutions and confessions of faith recognize this belief in a divine-human God of grace, and their people more or less cultivate science. Some persons theoretically deny this belief, but cling to science, which is itself based on the deep-lying assumption that the world is a manifestation of reason. Such sceptics have not yet measured the consequences of their theories, and, for our purposes, may be said to belong to the faith, inasmuch as the reality of a finite world presupposes a personal God, whose essential attribute is grace. The agnostic, too, is strenuous in acknowledging the practical importance of the code of moral duties.

The prevailing view of the world in Christian countries is very properly called faith, inasmuch as it is not a view pieced together from the experience of the senses, nor a product of individual reflection unaided by the deep intuitions of the spiritual seers of the race.

Faith is a secular virtue as well as a theological virtue, and whoever teaches another view of the world — that is to say — he who teaches that man is not immortal, and that nature does not reveal the divine reason, teaches a doctrine subversive of faith in this peculiar sense, and also subversive of man's life in all that makes worth living.

(2) Hope, the second theological virtue, is the practical side of faith. Faith is not properly the belief in any theory of the world, but in the particular theory of the world that Christianity teaches. So hope is not a mere anticipation of some future event, but the firm expectation that the destiny of the world is in accordance with the scheme of faith, no matter how much any present appearances may be against it. Thus the individual acts upon this conviction. It is the basis of the highest practical doing in this world. A teacher may show faith and hope in the views of the world which he expresses, and in his dealings with his school — in his teaching of history, his comments on the reading lessons; in his treatment of the aspirations of his pupils. Although none of these things may be consciously traced to their source by the pupils, yet their instinct will discover the genuine faith and hope. Nothing is so difficult to conceal as one's conviction in regard to the origin and destiny of the world and of man.

(3) Finally, Charity is the highest of these virtues, in the sense that it is the concrete embodiment and application of that view of the world which Faith and Hope establish.

The world is made and governed by divine grace, and that grace will triumph in the world. Hence, says the individual, let me be filled with this principle, and hold within myself this divine feeling of grace towards all fellow creatures. Charity is therefore not almsgiving, but a devotion to others. "Sell all thou hast — and follow me." Faith perceives the principle; Hope believes in it where it is not yet visible; Charity sets it up in the soul and lives it. There might be conceived a faith or insight into this principle of divine grace, and a hope that should trust it where not seen, and still there might be in the possessor of the faith and hope a lack of charity. In that case the individual would acknowledge the principle everywhere, but would not admit it into himself. With charity all other virtues are implied — even justice.

While courtesy acts towards men as if they were ideally perfect and had no defects; while justice holds each man responsible for the perfect accordance of his deed with his ideally perfect nature, and makes no allowance for immaturity, charity sees both the ideal perfection and the real imperfection, and does not condemn but offers to help the other, and is willing and glad to sacrifice itself to assist the imperfect struggle towards perfection.

The highest virtue, charity, has of all the virtues the largest

family of synonyms: humility, considerateness, heroism, gratitude, friendliness, and various shades of love in the family (parental, filial, fraternal and conjugal), sympathy, pity, benevolence, kindness, toleration, patriotism, generosity, public spirit, philanthropy, beneficence, concord, harmony, peaceableness, tenderness, forgiveness, mercy, grace, long-suffering, etc., etc.

The typical form of this virtue as it may be cultivated in school is known under the name of kindness. A spirit of true kindness, if it can be made to pervade a school, would be the highest fountain of virtue. That such a spirit can exist in a school as an emanation from a teacher, we know from the history of such teachers as Arnold of Rugby, and other illustrious examples.

From the definition of this principle, it is easy to deduce a verdict against all those systems of rivalry and emulation in school which stimulate ambition beyond the limits of generous competition to the point of selfishness. Selfishness is the root of mortal sin, as theologians tell us, and the lowest type of it is cold, unfeeling pride, while envy is the type next to it.

In a State which has no established church, and in a system of public schools that is not permitted to be under the control of sects or denominations, what shall be the fate of dogmatic instruction in morals — especially instruction in that part of morals which rests upon the celestial virtues? Of course the problem is still a simple one in parochial schools and denominational schools. But it is not proper for us to ignore the dangers incurred even in strictly parochial schools. The more strict the denominational control, the less likely is there to pervade the school that spirit of tolerance and charity towards others which is the acknowledged deepest taproot of the virtues. Were the community in its confession of faith homogeneous, religious instruction could still properly remain in school. The movement of American society is not, however, in that direction, and it is quite likely that the church must see formal religious instruction, even to the ceremony of reading the Bible, leave the common schools altogether. But a formal reading of the Bible "without note or comment," or a formal prayer on opening school, is surely not religious or moral instruction in any such efficient sense as to warrant any Christian man or woman in sitting down in content, and claiming a religious hold on the popular education. Such a delusive content is indeed

too prevalent. There never was a time when the need was greater for a wide-spread evangelical movement to begin, that shall make real once more the faith that is well-nigh become a mere formula.

A Robert Raikes now and here to give new vitality to the Sunday-school movement, a concerted series of movements like that of Dr. Vincent, is needed.

It is not the undoing of the separation of Church and State, even in the common schools, nor the struggle to maintain a frigid and bloodless "non-sectarian," so-called, religion in our schools that is to succeed or to do any good. It is for the churches to rouse from danger, and proselyte by new means and appliances as well adapted to the present day as the Sunday-school movement was seventy years ago.

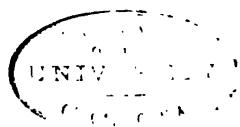
It is for the teachers not to claim the right to introduce formal religious ceremonies, but to make all their teaching glow with a genuine faith, hope and charity, so that pupils will catch from them their view of the world as the only one that satisfies the heart and the intellect and the will.

Let us note in conclusion the fact that, in the mechanical virtues, so important to making good citizens, the training in the schools is already admirable. Human freedom is realized, not by the unaided effort of the individual, but by his concerted or combined effort in organized institutions like the State and Civil Society. Those mechanical virtues make possible the help of the individual in this combination, and fit him for the modern world now bent on the conquest of nature.

The social virtues, justice, politeness and obedience to law, may be equally well provided for, although in fact they are not successfully taught in every school.

The celestial virtues can be taught by teachers inspired by those virtues, and by none others. The empty professions of such virtues without the devotion of the life to them, is likely in the school, even more than elsewhere, to produce the well-known practical result of atheism.

One may take occasion here to mention with hope and favor some new text books in morality, soon expected to appear under the authorship of distinguished and competent clergymen who have formed an association for the purpose, believing that such works will do much good, although they can never equal the effi-



ciency of the discipline of the school in the hands of the competent teacher.

CONSPECTUS OF DUTIES.

I MECHANICAL,	{	<i>Obedience</i>	{ (a) to Parents	{ (a) Punctuality.
			{ (b) to Employers	{ (b) Regularity.
			{ (c) to State	{ (c) Silence.
			{ (d) to God	{ Cleanliness of Person.
II SOCIAL,	{	I To Self	{ (a) Physical	{ Temperance.
			{ (b) Self Culture	{ Purity.
			{ (c) Industry	
	{	II to others	{ (a) Courtesy	{ Truth-telling.
			{ (b) Justice	{ Honesty.
			{ (c) Respect for Law.	
III CELESTIAL,	{	(a) <i>Faith.</i>		
		(b) <i>Hope.</i>		
		(c) <i>Charity.</i>		

DEBATES ON THE PRECEDING PAPERS.

Many of the Addresses and Papers on the preceding pages were debated, but of these debates the Secretary could preserve only fragmentary reports, a portion of which are here given :

DEBATE ON CAPITAL PUNISHMENT.

Prof. WAYLAND : In commenting on my address of Monday evening, one journal has said that the proposed life imprisonment will be so awful a penalty that juries will refuse to convict. But this objection loses sight of the fact that an error in this matter would not be irreparable. It is also urged that it is better to have the power to execute, even if it is used only in rare cases. But it is true, on the other hand, that the time when the penalty can be enforced is the time when you ought not to enforce it, that is, when the community is in an excited state, incompetent to form a calm judgment.

Mr. Z. R. BROCKWAY, of the Elmira Reformatory, said : I am in hearty accord and sympathy with the view taken by the President, and am glad that a man occupying his position has come out boldly in opposition to capital punishment, and disbelieves in the whole doctrine of deterrents. In the administration of minor penalties in prison discipline, the principle of deterrents is fallacious. When you administer your penalty for remedial effects, you get the best results. We need to put the whole matter of punishment on the remedial basis. In 1856, in England, the penalty for offences like cattle-stealing, was changed from hanging to imprisonment ; and crime diminished by 20 per cent. In Michigan, under the abolition of the death penalty, while the population quadrupled, the crime of murder did not increase. There is something in the advance of civilization which reduces crime. In any State civilized enough to abolish the death penalty, there is a high enough civilization to see that great criminals are prevented from going at large. The deterrent principle is all wrong, and the remedial idea is the right one.

Mr. F. B. SANBORN : The argument is used that a law cannot be enforced if the people hold a different opinion from that expressed by the law. Now, there is among men a strong retributive sentiment to the effect that a man should receive good or evil as he deserves. If this is so, the argument returns upon itself. I used to believe in the argument drawn from the sacredness of human life, but the Civil War converted me. I agree mainly with the argument of the President drawn from expediency.

Judge CHARLES A. PEABODY : If the interests of Society require the taking of human life we may take it ; not otherwise. We are to protect the lives of the good, even if it takes the life of the bad.

The question is one of policy. We should consider the effect of taking human life on society. What is the estimate placed on the sacredness of human life, if we take life for stealing a loaf of bread? If safety can be maintained without taking human life, it should not be taken. During the war, the crimes against human life multiplied because of the lessened estimate of the sacredness of human life. We have a right to maintain order in society, at whatever sacrifice. It is a question of mere expediency. I do not understand the use of the terms *deterrent* and *remedial*. It will not do to entertain the thought that the prospect of punishment has no effect on the criminal. I am afraid that familiarity with great penalties debases and hardens the community.

Mr. F. J. KINGSBURY: As to the deterrent effect of punishment, during the first twenty-five years of the reign of Victoria, many attempts were made on her life. These were not punished capitally. An act was passed providing that any act of violence to the sovereign should be punished by severe flogging; and from that time there was no such attempt.

DEBATE ON INEBRIETY.

Rev. H. L. WAYLAND: Inebriety is a disease, no doubt; but intemperance is also a crime. The body and the mind are so related that hardly anything affects one of them alone. Almost every crime affects the body more or less. A life of dishonesty renders the muscles flaccid, and indisposes the man to labor. Shall we therefore say that burglary is a disease rather than a crime? When a man begins to drink, knowing that he is ruining himself, and breaking the hearts of his father and mother, it is a crime. Paul did not say, "No consumptive shall inherit the kingdom of God," but "no drunkard."

Prof. WAYLAND: When a man in the exercise of his faculties knows that if he drinks he will get drunk, and will abuse his family, shall we pat him on the back and say, "This is a disease;" or shall we say, "This is a crime?" The drunkard should share the punishment with the man who sells the liquor. A man becomes a "common drunkard." He may be diseased, but he is a criminal. He has voluntarily put himself in a place where he commits crime. We should say to the common drunkard: "You can't be trusted in the temptations that are about you. We shall confine you till you are cured."

Judge PEABODY: The man who gets drunk is the subject of pity. When you say that man is a criminal, you use language that is not becoming. He should be restrained so long as he cannot restrain himself. The universal testimony is opposed to imprisonment for drunkenness as punishment. The man should be restrained in such a way as to give him the least pain and the most encouragement. I am far from calling him a culprit for what is weakness and not positive criminality.

Rev. Mr. BRADFORD, of New Jersey: There are those who are tempted because of heredity. These cases are almost never cured. There are others who from free will choose the course on which they enter. Almost all writers are now classifying all crimes as disease. Is it true that a man who comes into the world with overwhelming tendencies to evil, is to be judged as we judge one who acts of his own free will?

Dr. CROTHERS: In France, the highest law recognizes inebriety as an excuse for crime. Drunkenness is an appetite growing out of a sense of exhaustion. The inebriate, like the man with the yellow fever, must be quarantined. To say that a man is diseased, does not take responsibility from him. He has no right to go about scattering disease. We must look at these men from the point of physical science.

Mr. SANBORN: Drunkenness is at first a disease of the will, and may be cured by the means that appeal to the will; afterwards it becomes a disease of the body. I should be very skeptical about the general results from a treatment such as Dr. Crothers suggests.

PHYSICAL CULTURE.

In discussing Dr. Sargent's Paper, Dr. DIO LEWIS said: For forty years I have been interested in physical culture. We have all exaggerated muscle culture. The first thing is to teach people to breathe; the next is good food properly eaten; third, a proper dress, which, perhaps, should be mentioned first with girls. Ten years ago, I gathered one hundred and fifty girls, mostly out of health, and many of them daughters of rich men, in a school at Lexington, Mass. They came with fine clothes. They brought letters from their physicians saying that they could not go up stairs, and that for a week out of every month they must be laid away. I persuaded them to have but one dress, of flannel, worn loose, covering between the knees and the ankles. When they came, we measured their chest and recorded their physical condition. I had them go to bed at 8.30 instead of 10.30. American girls break down for want of *sleep*. Then came gymnastics. As I grow older, I think less of gymnastics and more of the other things. We exercised every girl every day of the month; and we never saw any girl injured by it, but very much improved. After four months, those girls would walk five to eight miles of a Saturday.

PAPERS OF THE JURISPRUDENCE DEPARTMENT.

I.—THE ASSERTION OF RIGHTS.

BY JOHNSON T. PLATT, ESQ., OF NEW HAVEN.

(Read September 6, 1883.)

We are supposed to be an excited, nervous people, with little faculty or opportunity to find ourselves, and a keen desire to learn what others think of us. Perhaps we are in the condition of great persons of whom Bacon says, "that they have need to borrow other men's opinions, to think themselves happy—that if they think with themselves what other men think of them, and that other men would fain be as they are, then they are happy as it were by report." Certain it is, that every distinguished visitor who spends a few days among us is solicited for an opinion, and if obtained before he quits the country the quality is not likely to be of a kind to wound our sensitiveness.

With this habit, it was to be expected that Mr. Spencer, on the occasion of his late visit, would be invited to make us happy—the degree of happiness to be commensurate with the reputation of the philosopher. But one gift of his was not reckoned with—his exceeding truthfulness. The spectacle of a visitor expressing an honest, straightforward opinion before he got out of the country was so unusual, that it is not surprising he was misunderstood. How could we understand one who asserted that we lacked certain moral sentiments?

But let us hear Mr. Spencer speak for himself: "Probably it will surprise you," said he to the interviewer, "if I say that the American has not, I think, a sufficiently quick sense of his own claims, and at the same time, as a necessary consequence, not a sufficiently quick sense of the claims of others—for the two traits are organically related."

His questioner then asked, "Do you think it worth while for people to make themselves disagreeable by resenting every trifling aggression? We Americans think it involves too much loss of time and temper, and doesn't pay."

To which Mr. Spencer replied, "Exactly. That is what I mean by character. It is this easy-going readiness to permit small

trespasses, because it would be troublesome or profitless or unpopular to oppose, which leads to the habit of acquiescence in wrong and decay of free institutions."

In what I have quoted, Mr. Spencer touched upon one of the most dangerous tendencies of our time; and the fact that intelligent persons and influential journals did not appreciate the drift and purport of what he said, shows how deep-seated is the disease that he detected. It is nothing less than the decay of the sentiment of justice.

There is nothing new in these observations of Mr. Spencer, but the man and the circumstances served to arrest attention.

The "comfortable moles" assert that Mr. Spencer was wrong, and, "with barren, optimistic sophistries," attempt to justify the existing state of things. If people were forward to vindicate their rights when invaded, a litigious spirit would be fostered, strife would be created, the injured and wrong-doer would be put to trouble and expense, and society would be annoyed. Compromise, a forgiving spirit, and a short memory are better. These views, born of a low prudence, are entertained by many otherwise excellent persons, and with some they seem to have the sanction of morality and religion. That these views are so prevalent is in some measure due, I think, to the false notions current about rights. They are looked upon wholly as personal claims or privileges, and quite dissociated in thought from the correlative notion of duty. It is only after some little reflection that a man comes to understand that every legal right with which he is clothed exists by reason of a corresponding duty imposed on some other person or persons, and can only be enjoyed when such duty is performed.

In order, then, that one man may enjoy his legal rights, it is essential that other persons charged with legal duties in respect to him should perform them. The law creates and defines these rights, and imposes the correlating duties. The law is not at rest, but is subject to continual change, whereby it is adapted to new needs and circumstances. It is not in advance of public opinion, but represents the average sentiment of the time as to what is just between man and man, so far as in the opinion of society it is expedient to enforce the duties appertaining thereto by legal sanctions. The law, of course, deals only with overt acts, and it has regard to only a portion of human conduct. There are large tracts of conduct that lie wholly outside of the law. Within its

domain, however, are massed some of the most important of human interests, as personal safety and freedom—reputation—the acquisition, enjoyment, and transfer of property—relations arising out of the family—immunity from fraud, and the performance of contracts. A body of rules covering these interests, and defining what is just, has been wrought out through the experience and struggle of ages. Conflicting claims have been examined, weighed and adjusted, and rights created and duties imposed. Every rule of law existed once only as a claim that was denied. Morality may be, and usually is, in advance of the law. When a new rule is added to the law, and is enforced, it indicates that so much ground has been definitively conquered by the moral sentiment.

We may assume, then, that the interests of society require that individuals shall in their conduct at least conform to the standard that the law prescribes. The enactment of a law is unmeaning unless it is enforced—unless the generality of persons obey it. With many persons the lower motives, prompting to violate the law for the sake of a supposed personal advantage, are very strong; so strong that they are not controlled by the higher motives, thus necessitating the legal sanction. If the higher motives dominated the individual and determined his action, as they should do, there would be no occasion for the application of the legal sanction.

The machinery through which the legal sanction is applied is set in motion, as a rule, by the injured person. As regards the criminal sanction, the prosecution is instituted and carried on at the discretion of the State or its agents; but as regards many offences sanctioned criminally, the fact that the law has been violated can only be known upon information furnished by the injured party, and he only can prove the acts constituting the offence.

As to those offences sanctioned civilly, it is at the option of the injured party whether the sanction is enforced or not. If, through fear of trouble, annoyance or expense, he does not assert his rights by bringing a suit, injustice usurps the place of justice, a rule of law is violated, and the wrong-doer unpunished.

When a rule of law is established and has been violated, the infliction of the sanction serves several purposes.

First, the rights of the injured person are vindicated.

Second, the wrong-doer is punished for the violation of duty.

Third, the rule of law and the penalty for its violation are anew brought to the attention of society, and a deterrent effect is exerted.

In enforcing his own rights, a man learns the measure of his duty to others.

When a case is of novel impression, and a new rule is made by way of judicial legislation, a step is taken in the progress of the law, and it is brought nearer to the demands of society. Under these circumstances, however, one at least of the parties is entitled to look upon himself, if not as a martyr, at least as a person who has rendered a service to society with no corresponding benefit to himself.

The vindication of the rights of the person injured through the violation of legal duty by the wrong-doer is the first of the purposes I have mentioned. This is not a matter of small importance, but I cannot discuss it here. If a society is to continue vigorous and progressive, the sentiment of justice must be kept keen and active. A strong sense of personal rights, of what is due to one as a moral being, is an essential element of character. One may have learning, talent, genius, and a certain kind of wisdom, but if he do not feel outraged when those rights he has in respect to his person are intentionally violated, he is without character. He does not respect himself, and he is not respected by others. It does not follow that such a person is of a litigious disposition—that he loves litigation for its own sake. On the other hand, he may feel that the law has been violated as regards his person, and that he is under a duty to society, and to himself, to redress the balance. The proper state of mind under such circumstances is well illustrated by the conduct of Spinoza, who, when his rights in respect to the estate of his father were denied by his sisters on account of his excommunication, took the proceedings necessary to vindicate those rights, and afterwards released to them the property to which his title had been judicially established. He has left on record his opinion: "That, in a State where just laws are in force, it is not only the right of every citizen, but his duty towards the common weal, to resist injustice to himself, lest peradventure evil men should find profit in their evil doing."

Without dwelling further upon this matter, I come to the second point, viz.: that by the bringing and prosecution of a suit against the wrong-doer he is punished for the violation of his legal duty. It is the sanction or penalty affixed to a law that creates the legal obligation. A statute enacted under the most solemn forms, if it provided no penalty to be inflicted upon the person who

violated it, strictly speaking, would impose no legal duty. In other words, so far as the law is concerned, it could be violated with impunity. It is, then, a sanction or penalty to be inflicted in case of disobedience that gives to the legal rule its binding character. People may observe the law because their consciences demand it, or because it will keep them in good repute to do so; but in the legal aspect it is the sanction or penalty that compels obedience. So far as that portion of the law is concerned that is sanctioned criminally, that is, where the wrong-doer is prosecuted at the discretion of the State or its agents, this is clear. The man who commits theft, or fires a building, or throws a train of cars from the rails, is aware that his illegal acts will subject him to a particular punishment, and, so far as the law is concerned, his motive for abstaining from the acts is the fear of the punishment likely to be inflicted. As it is put in the Ordinances of Menu: "Without certain punishment, it is impossible to restrain the delinquency of scoundrels with depraved souls, who secretly prowl over this earth."

I come now to the application of the principles I have stated, to some of the facts and circumstances of our own time. A large and increasing portion of the business of the country is carried on by corporations. These artificial beings are invested with rights, and charged with duties, and, so far as the enjoyment of the one and the performance of the other are concerned, should stand upon precisely the same ground as individuals. It is a matter of common knowledge that they do not. The prevalent theory of corporate management seems to be, to get as much money into the treasury as possible, and allow as little as possible to get out, except in the form of perquisites to managers and dividends to stockholders. The notion of duty is resolved into a question of dollars and cents, and the propriety of violating the law is determined with reference to whether or not it will pay. It has come to be a practice with some classes of corporations to employ agents, whose business it is, by improper means, to deter persons from asserting their just demands. The clearest obligations are ignored if it is found possible to escape without suffering the penalty.

On the other hand, there is a considerable number of unauthorized persons who have a strong desire to get their hands into the treasury of a corporation. Demands are made that would never be presented to an individual, and, what is strange, such demands

are often satisfied with knowledge that they are baseless. This is done upon the theory that it will cost less to pay them than to resist them. In some instances a fund is set apart to be used in adjusting claims, irrespective of whether they are just or not.

This condition of affairs is extremely demoralizing. The corporations do not respond to their duties, and their rights are not respected by individuals. The evil is not confined to the corporations and the individuals immediately concerned, but appears in society generally in the form of a weakened sentiment of justice and a disregard for law. The obvious corrective is a more vigorous assertion of rights on the part of individuals against corporations, and strenuous resistance on the part of corporations to all unjust demands.

It is said in behalf of corporations that they are not always treated with justice by courts and juries, and that they are obliged, in self-defence, to resort to indirect methods to maintain their rights. They are not always treated justly, but the methods they adopt are calculated to increase the measure of injustice meted out to them.

On a certain occasion a railroad train was passing between two eastern cities in the night time. About midnight the engineer and fireman discovered that a barn just ahead of the approaching train was on fire, and, being apprehensive that the intense heat had warped the rails, stopped the train and made an examination. Everything appearing to be right, the train proceeded to its destination. The owner of the barn, who happened to be a poor man, brought a suit against the railroad company, claiming that his barn was set on fire by sparks from this particular train. It was clearly proven on the trial that the barn was on fire when the train came in sight, but the jury rendered a verdict for the plaintiff. The jurors afterward explained that they were quite satisfied that the building was not set on fire by the defendant's locomotive, but that the plaintiff was a poor man and the company was rich, and so they decided for the plaintiff. One such failure of justice is more to be deplored than a number of highway robberies.

Corporations will have a large place in the future industrial organization of society in this country. Changes will be made in the law as regards corporate organization and management, and large restrictions will be placed upon corporate power; but the advantages of association are so obvious that it will be resorted to

more and more. In the mean time their rights should be as carefully protected as those of an individual. Changes in the law are within the appropriate province of the legislature.

I cannot leave this topic without touching upon one matter that is a fertile cause of legislative scandals. Our methods of private legislation are exceedingly crude, and it frequently happens that private bills are acted upon without much regard to their merits. There is a class of men who make legislation of this kind the occasion for large pecuniary gains for themselves, and there are instances where, owing to a scarcity of business, they have started and carried on an agitation against a corporation in the hope and expectation that it would be driven in self-defence to purchase their silence. Many good but credulous souls are found serving unwittingly in the ranks of these soldiers of fortune.

I might also speak of the rights of stockholders, or other beneficially entitled, as against the officers of corporations. How many banks and insurance companies have been ruined, causing injury to thousands, on account of neglect of duty on the part of directors or trustees, and in how few instances have the injured persons sought redress? A clear omission of duty is bad enough, but it is a good deal worse to find directors in a corporation making a contract for supplies at an exorbitant price, with an understanding that they are to have a share of the profits.

In all cases involving actual fraud, the duty of the injured person to assert his rights is very clear. The thief who takes property by force is less dangerous than he who practices the arts of fraud, and yet the one is punished criminally, while the other may be liable to no penalty for his wrong-doing, except the damages to be recovered by the injured person in an action at law. A man is induced through seductive promises and false statements of fact to invest in an undertaking. A loss ensues and the rule of liability is clear, but in few cases of this kind are legal proceedings instituted. The sufferer says, "I have been a fool; I ought to have known better, and I will not be caught a second time. I will place it to the score of experience, and pocket the loss." The offender is unpunished, and remains free to commit the same depredations upon others.

Commercial morality would be higher if the dishonest trader could, with less ease, reinstate himself after insolvency, and be in position to repeat, in the same or another community, the career of fraud and plunder.

The atmosphere would be more wholesome if more newspapers were sued for recklessly spreading before the public the details, real or imaginary, of private life, the whole served up with a sensational garnish, and serving no purpose other than to gratify the unmanly appetite for scandal, and sell a few more papers.

It is not necessary, nor have I time to allude further to particular instances, where, as it seems to me, failure to assert rights works detriment to society. When the principle is once grasped, the application is easy. Nor is its application confined to those rights that may be asserted against individuals in a court of law. It is quite as striking as regards what we term our political rights. If we would retain these, we must assert them; and if they are invaded, they must be vindicated. Neither legal nor political institutions descended out of heaven ready formed for the use and service of man. Both are the product of a long experience—we have entered into the labors of the generations that preceded us. The struggles of right with wrong, of justice with injustice, have made our heritage. There is no way in which this heritage can be improved and transmitted to those who are to succeed us, or even kept for ourselves, except by warfare. No contrivance, however skilful, can impart a motive power to institutions, if the animating spirit that gave them the principle of life, fails. Let the sentiment of justice weaken and decay, and the demand for right grow feeble, and the structures will be inert and dead, and an incubus rather than a help.

I conclude, then, that litigation is not to be deplored, but that, on the other hand, in certain directions it should be stimulated rather than repressed.

Every one concedes that what we call the criminal law should be enforced, and offenders punished. The principle is the same where the injured person institutes and prosecutes a suit against the wrong-doer. In both cases the law is vindicated, justice maintained, and the offender punished. Abstractly considered, litigation may be an evil; or, to speak more correctly, it is an evil that there are so many persons in the community, who will violate law to further their own selfish ends. "Justice should never sleep, except when injustice sleeps also." The law having been violated, the injured person not only has the right, but it is his duty to take the proceedings necessary to subject the wrong-doer to the punishment affixed by law to the offence. It makes no difference what-

ever, in principle, whether the punishment be imprisonment, or the payment of damages recovered by the injured person in a civil action. The assertion of rights is another expression for the enforcement of duties. Dean Stanley tells us that when the Norman bishops asked Anselm whether Alfege, who was killed by the Danes at Greenwich, could be called a martyr, because he died not on behalf of the faith of Christ, but only to prevent the levying of an unjust tax; Anselm answered: "He was a martyr, because he died for justice; justice is the essence of Christ, even although His name is not mentioned."

In an ideal state of society, where each member performed his duty, there would be no occasion to consider rights. No society has ever reached that state, nor will it be realized until the selfish elements in character are dominated by the higher motives — until men come to love their neighbors as themselves. In the meantime, that society may exist, a warfare must be waged against the selfish and the vicious, so far as their vices are ultimated in overt acts, causing injury to others.

I have barely alluded to the motives that may determine one to assert his rights. From the legal, or political standpoint, the question of motive is unimportant. A man may, through hatred, revenge, or ill-will, sue one who has invaded his rights, and prosecute the suit with energy and bitterness. In the eye of the law, he does no wrong — he is doing only that which he has a legal right to do. He confers a benefit on society by being instrumental in enforcing the law. When, however, we consider the ethical quality of the act, the question of motive becomes all-important, and such a person as I have described would be culpable. Mr. Emerson somewhere makes an observation to the effect that people go about to promote their own selfish interests, but, somehow or other, their acts usually range themselves in a line with the poles of the world.

The last fifty years has witnessed the development of our material resources at a rate unexampled in the history of the world. It has its advantages, and we are bound to be thankful that so large a proportion of our fifty millions of population can command the necessities and comforts of life. But it is not an unmixed good. Immense fortunes are created, not through the regular and fruitful processes of industry, but by stock-jobbing, speculation, and practices that, to a plain man, can only be charac-

terized as fraudulent. A dollar acquired in this manner has not the same value as one that is the representative of honest work. Money is power, and the unregulated exercise of power is always noxious. Luxury, indulgence, and corruption, are pretty apt to be the concomitants of sudden riches. Our only safety is in the activity and vigor of the moral sentiment. Let the material element in our civilization get the upper hands, and it will drive us into paths that will surely lead to ruin. There are some activities, the value of which cannot be measured by the dollar standard. It is but a truism to say that the highest interest of the individual, as regards himself, and the highest interest of the State, which is a collection of individual units, calls for the greatest attainable perfection of character. It is not the accumulation of wealth, merely, not the accumulation of stores of learning, merely, not the creation of great material works, merely, that is the crown and glory of man. Character has regard more to the emotions than to the intellect, and a high and noble character is formed when the individual is under the sway of the higher emotions, guided and informed by the intellect, and loyalty to them has ripened into a habit and course of conduct. One whose strivings are in this direction will seek :

"To guard the way of life from all offence
Suffered or done."

Plato makes Socrates say, when asked whether he would rather suffer than do injustice, that he should not like either, but if obliged to choose between them, he would rather suffer than do.

We are every day brought in contact with facts which show what an undue hold the material element has upon us. The haste to be rich, impatience with the old and slow methods of acquiring property, and the love of luxury, are pervading all classes, professional as well as commercial. Smartness is substituted for knowledge and foresight, recklessness for prudence, and the question of right is attenuated into a judgment as to what is expedient. The faculties are in a state of constant tension, and few have the time, disposition, or nervous energy to vindicate their rights when assailed. Private litigation decreases, and there is a tendency to shift the burden of pursuing the wrong-doer upon the State, by turning into crimes offences that ought to remain simply civil injuries. We may hope that this state of things marks but a passing phase of society, and that the next generation, profiting

perhaps by the experience of this, may attain to more wholesome views of life.

It is a common error to place too much stress upon legislation as a cure for the ills of life. Something more is needed to give efficacy to a rule of conduct than to prefix to it the magic words, "Be it enacted." Effective reform must begin a good deal nearer the springs of conduct.

Just now the best work that the legislator can do is in the direction of reducing to order and symmetry the laws we now have. They should be simplified—should be expressed in such form that it would be possible to ascertain one's rights and duties with less difficulty and more certainty than at present. The legal machinery provided to give execution and effect to the substantive rules of law should be as rational and simple as possible. If access to the courts involves so much delay, expense and vexation that a suitor cannot command the means or await the result, to him justice is denied—denied as completely as if he was arbitrarily excluded. More heed should be paid to the qualifications of judges, especially those who preside in what are called inferior courts. It is there that the majority of litigants come in contact with the law. Something more than honesty and a fair character is needed to make a good judge. He must know the law, have the discrimination and ability to apply it to the facts of the causes heard before him, and the judicial independence that will prevent his being even unconsciously swerved from right by illicit considerations and influences. The outcast from society should be as certain that the judge will award him his legal rights as the man who has founded a university, or who can draw his cheque for a million of dollars. Poor judges are expensive judges both for the State and suitors; and justice often miscarries when the lawyers at the bar are abler than the judge upon the bench.

The most effective education in lawlessness is that which comes from denying a man his rights. He first hates the oppressor, and then despises the law and its administration. His sense of justice becomes inflamed and perverted, and he seeks to obtain, through revenge, the satisfaction that should have come through the orderly processes of the law.

Solon seems to have appreciated the relation between a proper assertion of rights and the welfare of a society. Plutarch says that he wisely accustomed the citizens, as members of one body,

to feel and to resent one another's injuries. When asked what city was best modelled, he answered: "That, where those who are not injured, are no less ready to prosecute and punish offenders, than those who are."

A notion is becoming current that the amount in controversy should determine the quality of justice—another instance of the material element getting the advantage of us. To one man one hundred dollars may have more value than ten thousand dollars to another, and he may feel the injustice more keenly when his right to it is denied or sacrificed. The proposition to put a large pecuniary limit upon appeals to the Supreme Court of the United States, and make it a court for the very rich, is an illustration of the prevalence of this fatal fallacy.

It is said that "the greatest trust between man and man is the trust of giving counsel." It might be added, that the greatest trust with which the State is charged is that of providing for the administration of justice. We may well heed the admonition of one of the great lawgivers of the East: "Justice being destroyed, will destroy; being preserved, will preserve. Beware, O Judge! lest Justice, being overturned, overturn both us and thyself."

DEBATE ON PROF. PLATT'S PAPER.

The Chairman of the Department, Prof. WAYLAND, of the Yale Law School, said, among other things:

Nothing is more marked with an Englishman than the determination to assert his rights. With us the opposite tendency is demoralizing. We are suffering from the indifference of the public to the violation of right or justice. Public rights are violated here which would make a riot in London or Paris.

Mr. F. J. KINGSBURY said: We all approve of this doctrine, but none of us expect to live up to it. A man who is known to be very tenacious of his rights is unpopular. Then there is the uncertainty whether a man will get his rights or no. Trials are very uncertain. An eminent lawyer in New York told me that he was engaged for the plaintiff, in a case in which he felt a little doubtful as to getting a verdict. To his relief, the jury returned a verdict in his favor. He had the curiosity to ask a member of the jury how it came about. The juror replied: "When we retired to our room, we stood eleven for the plaintiff, and one for the defendant. I took the one juror aside and said to him: 'I would be glad to know what your reason is for going against the

majority of the jury. Perhaps we may come around to your view.' The man replied: 'Did you see the plaintiff come in with a large gold-headed cane? I will not give a verdict to any man who has a gold-headed cane.' I said to him: 'I feel just as you do; but I took up that cane and looked at it; I am a jeweller by trade: and I found that it was only pinch-beck.' 'Oh, well,' said the juror, 'if that is so, I will go with you.'"

Mr. BENEDICT said he did not know whether we should encourage the enforcement of rights, or should discourage litigation rather. We all recognize the importance of redressing our wrongs; but it is a question whether a man will not thereby sustain a greater wrong. A society to help the members enforce their rights would be a good thing. Greater certainty should be given as to the prospect of justice being done. The question of some other than the jury system is largely under consideration. Also the expenses of litigation should be diminished.

II. INTERNATIONAL ETHICS.

READ BY EDWARD M. GALLAUDET, LL.D., OF WASHINGTON, D. C.

(Sept. 6, 1883.)

Justitia est constans et perpetua voluntas, jus suum cutque tribuendi.—JUSTINIAN.

It gives occasion for no little surprise, that a science of such importance in the world as that which has to do with international relations, should never have been rightly named, in a tongue so prominent and influential as the English.

Dana in his notes on Wheaton (chap. I, § 13) says: "The infirmity of the English language in having but one word "law," by which to express the two ideas the Romans expressed by *jus* and *lex*, the French by *droit* and *loi*, the Germans by *Recht* and *Gesetz*, and for which all other modern nations seem to have two words, appears to be beyond remedy. None has even been proposed."

William Oke Manning opens his "Commentaries on the Law of Nations" as follows:—

"The want of sufficient exactness which attaches to much of the Law of Nations commences with the very name of the science, which is employed by different authors with many different limits of signification. This is in a great measure occasioned by a confusion of the words *Jus* and Law, which are not exactly synonymous. Puffendorf complains of this ambiguity, the word *Jus* having the double sense of Law, and Right, or moral obligation; and the term *Jus Gentium*, which is usually translated Law of Nations, would, perhaps, be more correctly rendered Rights of Nations."

Rayneval, in his "*Institutions du Droit de la Nature et des Gens*," makes it a subject of serious reproach to the English language that it applies the term *law* to that system of rules which governs, or ought to govern, the conduct of nations in their mutual intercourse. His argument is that law is a rule of conduct, deriving its obligation from sovereign authority, and binding only on those persons who are subject to that authority; that nations, being independent of each other, acknowledge no common sovereign from whom they can receive the law; that all the relative duties between nations result from *right* and *wrong*, from convention and usage; to neither of which can the term law be properly applied; that this system of rules had been called by the Roman lawyers *jus gentium*, and in all the languages of modern Europe, except the English, the Right of Nations, or the laws of war and peace.

Seeking for the remedy that Dana declares has never even been proposed, Austin, in his *Province of Jurisprudence*, (vol. I, p. 115) says:—

“The department of the science in question which relates to international law, has actually been styled by Von Martens, a recent writer of celebrity, ‘*positives, oder practisches Völkerrecht*,’ that is to say ‘positive international law’ or ‘practical international law.’ Had he named that department of the science “positive international morality,” the name would have hit its import with perfect precision.”

In dealing with persons, or natural objects, it may be of little consequence what they are called, and we can say with Juliet, as she deplores the cruel fact that Romeo is a Montague,

“What’s in a name? that which we call a rose,
By any other name would smell as sweet.”

But when we undertake to characterize a science, an industry, a political party, a public institution, an office, or any other impersonal thing, the name given should at least be consistent with the character of the thing, even if it cannot fully express the conditions of its existence. Having shown that the term International Law is neither in harmony with the science so named in English, nor expressive of the conditions of its existence, we will venture to offer a remedy for the defect complained of by Raymond, and despaired of by Dana. And we will then endeavor to show that the science which in its development thus far, against heavy odds and under many difficulties, has done much for civilization, may be expected, under its new and consistent name, to open the way for the nations of the earth into that era of permanent peace and brotherhood, which has been the dream of poets and the aim of philosophers and statesmen.

Many writers, in their endeavors to explain the double, and radically different meanings which attach to the expression, *Law of Nations*, give hints of the new nomenclature we are about to propose, and now, perhaps, more clearly than *Burlamaqui*, in his *Treatise*, where he says (Translation by Thomas Nugent, Vol. I, p. 138): “There is certainly an universal, necessary and self-obligatory law of nations which differs in nothing from the law of nature, and is consequently immutable, in so much that the people or sovereigns cannot dispense with it, even by common consent, without transgressing their duty. There is, besides, another law

of nations, which we may call arbitrary and free, as founded only on express or tacit convention; the effect of which is not of itself universal; being obligatory only in regard to those who have voluntarily submitted thereto, and only so long as they please, because they are always at liberty to change or repeal it."

Whewell, in the 6th book of his "Elements of Morality," suggests a name by transferring the Latin word *jus* to our language:

"The rights and obligations of nations," says he, "are determined, in a great degree, by a consideration of their general conditions; that is, by *International Jus*. And hence we give to this part of our subject rather the latter name, as implying a Doctrine of International Rights and obligations according to their nature, than the more usual name of International Law, which appears to imply a code of such law already established by adequate authority."

The Law of Nations is then, in one sense, identical with the law of nature, which Grotius well defines as follows:

"Natural law is the dictate of right reason, pronouncing that there is in some actions a moral obligation, and in other actions a moral deformity, arising from their respective suitableness, or repugnance, to the rational and social nature, and that, consequently, such actions are either forbidden or enjoined by God, the Author of Nature." (*De Jure Belli ac Pacis*—lib. 1, cap. 1, § x, 1, 2.)

"And Grotius sets out," says Wheaton (*chap. I, § 2*), "with refuting the doctrine of those ancient sophists who wholly denied the reality of moral distinctions; and that of some modern theologians, who asserted that these distinctions are created entirely by the arbitrary and revealed will of God; in the same manner as certain political writers (such as Hobbes), afterward referred them to the positive institution of the civil magistrate."

The superiority of moral considerations is well argued by Whewell, when he says ("Elements of Morality," Vol. II, p. 252):—

"The Law of Nature stands above the Law of Nations, as being a source of a higher morality than may be exemplified by any given rude state of Law. Thus we may say that among the ancients, by the Law of Nations, the inhabitants of a conquered country become slaves, but that there is a Law of Nature, the bond of a common humanity, which abrogates this cruel law."

And Hickok in his "Moral Science," p. 275, urges with equal force that "international relations must rest on the basis of pure morality." "The Law of Nations," says this writer, "stands

only as an appeal to the public conscience of mankind ; that which is ethically due from one nation to another in national community ; and holds, thus, all to the claims of each in the right of pure morality."

The term "International Ethics" is, then, suggested as of sufficient breadth and exactness to include, and in some degree to describe that which alone can serve as the foundation of enduring and just relations between the several states now controlling the territory and people of the earth.

To the behests of enacted law, independent states will not yield obedience. They bend alone to the demands of the strong arm of Power, or to the voice of Right ; and how rarely to the latter in the absence of the former, the student of history may readily determine.

And yet, the fact that in most of the international contests of mediæval and modern times the contending parties on either side have claimed to be defending "the right," goes to show that those even who refuse to submit to the rule of Right, at the same time acknowledge their moral obligation to observe it. In the days of chivalry, war was looked upon as an appeal to Heaven, and success as the seal of Divine approval.

"Is it not true," inquired Gundebald, the Burgundian king, of his Bishop, "that the event of national wars and private combats is directed by the judgment of God, and that his Providence awards the victory to the juster cause?" Even in times as late as the days of Lord Bacon, we find no less authority than that of the great philosopher himself declaring that "War is one of the highest trials of right ; for as princes and states acknowledge no superior upon earth, they put themselves upon the justice of God by an appeal to arms."

That a sophistry so absolute could be urged as a truth, by a writer of such strength and clearness as Bacon, can hardly be accounted for, except on the supposition that a confused conception existed in his mind as to the difference between Power and Right. What this distinction is, is made clear by Puffendorf in his "Law of Nature and Nations" (J. Spavan's translation and abridgment, p. 16), where he says :—

"Right is that moral quality by which we justly obtain either the government of persons, or the possession of things ; or by virtue of which we may obtain somewhat as our due. There seems

to be this difference between the terms of Power and Right, that the first does more expressly impart the présence of the quality, and does but obscurely denote the manner how it was acquired; whereas the word Right does properly and clearly show, that the quality was fairly got and is now fairly possessed."

Law demands for its active existence the presence of Power, but not of Right. History is full of instances where, possessing the former, Law has defied the behests of the latter, rejoicing in the commission of the foulest acts of injustice. And we need not look to the past to find the record of the gravest wrongs committed under the sanction of law. For in our own land, where it has been our boast that the poorest and meanest citizen may be sure of justice at the hands of the law, not to speak of other countries in which law means little else than the arbitrary will of one man, or of a very few, how often does the machinery of the courts permit punishment to the innocent, and give immunity to the guilty! And equally true is it that conduct utterly indefensible on any sound principle of morality is not only permitted, but actually provided for (as will be shown later on), and made right, as far as law can make anything right, in the so-called *Law of Nations*.

Surely, then, in seeking for terms that shall measurably describe the relations that ought to subsist between nations, the word law must be rejected.

And since no person would claim that wrong in any shape, or injustice, in however small degree, ought to be allowed to prevail in the intercourse of nations, any more than in the intercourse of individuals in civil society, we find a reason that can not be set aside, why, among states, as between men, strict morality, absolute justice, may properly be insisted on. We hold, therefore, that in the nomenclature of the science of international jurisprudence, the term International Ethics, or some other which shall, if possible, more completely express the meaning intended to be conveyed, must be accepted, as indicating the foundation, on which alone, an enduring structure whose parts shall be consistent with each other, can be reared.

Whether any part of this science of international jurisprudence shall retain the name of "law,"—that which includes such provisions for example, as grow out of treaties and formal agreements between states, violations of which work disadvantages in the nature of penalties,—we will not undertake to determine, but will pass on to the consideration of the second part of our main question.

And it may be remarked in passing, that, while the misapplication of terms in treating of international relations is more marked in the English than in any other language, it is by no means clearly and strongly urged by writers in tongues foreign to our own, that the only basis of intercourse to be accepted as satisfactory between the nations of earth, is to be found in the principles of morality.

The "stone of stumbling," and "rock of offence," that has caused the chariot of advancing civilization to drive slowly, has been the instability and ever-changing character of the so-called "law of nations." Deriving its efficacy mainly from "common consent," this had only to be withdrawn and there was no law, and in the absence of law no obligation was recognized to follow one line of conduct in preference to another.

For example: many, if not all, of the treaties of the leading European nations have, in modern times been looked upon as essential provisions of international law. The flagrant crime of the partition of Poland is sanctioned in one of these treaties; the iniquitous practice of intervention in another; permission to prey on private property in time of war is accorded in a third; and behold! all these plain violations of morality acquire an odor of sanctity under the cloak of "law," and men take advantage of them with hardly a twinge of conscience.

Now, if publicists would put the stamp of infamy on every treaty or international agreement, attempting to violate the principles of Ethics, and deny to such inter-state enactments all place in any Code that might be suggested for the conduct of international relations; rigorously demanding that in the science of international jurisprudence no element should be admitted which fell short of attaining the standard of absolute Right, a line of progress would be entered upon in which no retrograde movement would ever be possible. The forward movement might be slow, but it would be sure and simple.

A practical illustration of the gross inconsistencies existing and fully sanctioned by International Law at the present time, may be found in the rules that apply to the capture of private property in time of war. Imagine the port of Charleston, with its warehouses full of cotton, to have fallen into the power of an invading foe. The cotton thus found, if belonging to non-combatants, must be allowed to remain the property of its owners; or, if taken for any public purpose, must be paid for. But suppose this cotton to have

been placed on ship-board, and to have been captured by an enemy's vessel just outside the harbor of Charleston. Moving on the common highway of the nations, this private property of peaceful citizens becomes the lawful prize of an enemy. The rule, which allows the seizure of private property on the high seas, may indeed claim recognition in that restricted branch of International Jurisprudence which exists by common consent, but from that broader field regarded by publicists as synonymous with the law of nations, and which we would distinguish as International Ethics, it is plainly excluded. And this is but one of many instances where the lineage of law is to be traced to the progenitor Might, and not Right.

No argument is needed to show that laws so plainly at variance with ethical principles cannot be expected to command the permanent respect and obedience of men. For, as within a nation, every law inconsistent with justice is sure to be set aside sooner or later, so among the nations such laws, though they may have the support of might, or even that of common consent, cannot endure.

In that era of history when Hobbes declared, with truth, "that the natural state of man is war," the rule of might was widely recognized, and an appeal to arms was not even reserved as the *last* argument of kings. But the statement of Hobbes is no longer true; and the spirit of the present age is expressed by Woolsey when he says: "Peace is the normal state of mankind, just as society and orderly government are natural; and war, like barbarism, must be regarded as a departure from the natural order of things."

The chief aim of the publicist should be, then, not to establish rules of war that may mitigate its horrors, though this is of moment so long as war must continue to exist; but to urge the acceptance by the nations of such principles of conduct as shall maintain unbroken the normal condition of international intercourse; and this will be tantamount to the permanent abolition of war.

We have said that the application of the term International Ethics to the science of International Jurisprudence, might be expected to aid in the establishment of an era of lasting and universal peace. For it is at the behest of moral force rather than of physical, that the nations of earth are coming to live at peace with one another, and this under the government, not of a person, nor

of any number of persons, but of a principle; a principle which owes its origin to no human or divine authority; not even (with all reverence be it said), to God himself; a principle which makes itself felt, to a greater or less degree, in all rational action, which has its existence in an eternal and immutable order of things, the force of which is more or less acknowledged by every rational being. What this principle is, and how far reaching its ultimate domain, was clear to the mind of Mirabeau, when he said:

“ *Le droit est le souverain du monde,*”—not Law, but Right, is ruler of the world.

It is true that the sway of this impersonal sovereign is by no means universal and undisputed, as yet, but it is equally true that the whole drift and tendency of the conduct of nations to each other is toward obedience to the rule of right. Among individuals, the conclusion was long ago reached, that it is wrong, as well as inexpedient, to resort to violence in the settlement of disputes. Private wars, the judicial combat, and even the duel, are practically things of the past, and for the redress of personal injuries, appeals are now had to the courts, or to private arbitration.

How soon a result similar to this, which has been brought about by the aid of the strong hand of human law, with its penalties and punishments, may be expected as between nations, under the operation of the higher law of abstract principle, with no penalty or punishment, save the damning voice of outraged public sentiment, depends on the readiness or tardiness of the people of the several states of the world in demanding of their rulers, that all international differences shall be settled by arbitration, and not by force of arms. No one can successfully dispute the reasonableness of this method of settling controversies; for, in every difference, the right and wrong can be determined by impartial judges. And when nations seek to gain no more than the right, they will, as both England and our own country have very recently done, submit gracefully, and even gratefully, to adverse decisions which serve to prevent war.

The several arbitrations which were provided for under the famous treaty of Washington, concluded on the 8th of May, 1871, between the United States and Great Britain, are, beyond all question, the most important instances in history when international differences of the gravest moment have been settled without an appeal to arms. The claims growing out of the depletions on

American commerce during the late civil war, by British-built Confederate cruisers, afforded ample cause of war. The same may be said of claims of citizens of either country against the government of the other, arising out of acts committed during the period of the civil war, for the settlement of which a separate commission was provided. And it is equally true that under certain circumstances the disputes growing out of the fishery interests on our north-east coast, and the question of boundary on the north-west, might easily have involved the two nations in war. The aggregate of claims, urged on the one side and the other, exceeded \$100,000,000. And the imminence of war at one period was not over-stated by Mr. Sumner, then Chairman of the Senate Committee on Foreign Relations, when, in his speech opposing the Johnson-Clarendon treaty, he said :

“Be the claims more or less, they are honestly presented with the conviction that they are just ; and they should be considered candidly, so that they shall no longer lower like a cloud ready to burst upon two nations, which, according to their inclinations, can do each other such infinite injury, or such infinite good.”

That differences, so radical as those just cited, involving such enormous sums of money, and submitted to four separate tribunals, in each of which the ultimate decision lay with citizens or rulers of countries other than those at variance, could all have been absolutely settled,—England cheerfully paying £3,000,000 to the United States, and our country paying without complaint \$7,000,000 to England, gives practical and conclusive proof that nations can, if they will, remove causes of complaint without a resort to arms, and with no loss of honor.

But the question remains : How can sovereign states be induced to resort to arbitration for the settlement of their differences under all circumstances ? Here, as in many other cases of human conduct, the voice of self-interest is raised in support of the behests of pure morality, and when the latter condemns war as wrong, the former cries out that it is inexpedient, because of the enormous drain it puts upon national resources, and also because, from its very nature, it can do nothing more than settle the question of Might, never that of Right.

In the recent strife between France and Germany, the former submitted to the exactions of the latter only because Germany proved to be the stronger in the field ; and who doubts that France

will seek an occasion for attacking Germany the moment she feels a reasonable assurance of superior military strength? Unless, indeed, when that time shall come, there be such an access of morality and prudence combined, in the government and people of France, as to restrain them from a repetition of the follies of their ancestors.

The enormous cost of war in modern times, and the heavy burden of taxation made necessary by the maintenance of standing armies, may confidently be relied on by the moralist as efficient allies in the cause of International Ethics. And, although the doing of right from considerations of interest is not to be commended in a strictly ethical point of view, all moralists agree that it is better men should do right than do wrong, even though their motives be not of the most praiseworthy sort.

In bringing this paper to a close, it will not be out of place to consider what practical improvement is likely to be made in the intercourse of nations, when the idea is generally accepted that such intercourse must be based on the principles of pure morality. First, and most important of all, would come the general acceptance of arbitration as a substitute for war; and with the mutual confidence growing out of this, a general reduction of military establishments to a police footing would speedily follow. With the dread of war permanently removed, commerce would become free, and between the nations of earth, while each retained its sovereignty and absolute independence, a fraternal bond would be established, such as no treaty or alliance, however solemnly ratified, has ever been able to effect.

We do not look forward to the establishment of a regularly constituted Congress of Nations, such as old William Ladd, the father of Peace Societies in America, used to pray for, nor that of a parliament such as Tennyson dreamed of as he sang of the time when

"The war drum throbs no longer, and the battle flags are furled,
In the parliament of man, the federation of the world."

For the establishment of such a body would involve a certain relinquishment of sovereignty on the part of each country joining in such a federation, to which no independent State should be asked to consent.

Ethically considered, the parallel between the individual and the nation, so far as rights and duties concerning other individuals and other nations are to be regarded, is complete; but in practice

there is a point where the parallel ceases. It is both practicable and desirable for the individual to yield his sovereignty to the government under which he lives. But it would be neither desirable nor practicable for nations to merge any part of their sovereignty in a permanently constituted world-controlling power. The power that is to be effective must, as has already been said, be impersonal. It must be no more than a principle. And so the Code, on which a permanent brotherhood of nations may be based, after providing for all ordinary peaceful international intercourse, would do nothing more than prescribe a stated and regular method in which, for any possible case of disagreement between nations, a special tribunal should be constituted for the settlement of the dispute. And, as a practical step towards the attainment of this result, what would be more fitting than that the two English speaking nations, each certainly of sufficient strength to command alone the respect of the world, having dared to choose peaceful measures rather than hostile, in the settlement of their recent disputes, and having succeeded in this comparatively new departure, should unite in an appeal to the other members of the brotherhood of nations that they reduce, simultaneously, their military establishments to what might be termed an anti-war footing, and that they solemnly agree for the future, to resort to arbitration in the settlement of disputes?

DEBATE ON INTERNATIONAL ETHICS.

S. I. PRIME, D. D., said: As a Christian, I am amazed that, near the close of the nineteenth century, the principles of the Prince of Peace have not made war impossible. As a rational being, I am amazed that principles of reason do not prevent rational beings from going to war. I wish this paper, so able, so rational, so full of good sense, might be spread and widely read.

Mr. MOZOOMDAR, of Calcutta, said: *Mr. Chairman and Ladies and Gentlemen:* In India, the great English people are trying an important experiment; they are ruling a nation of many millions. You wonder that a handful of Englishmen should rule a great nation. I do not complain, because the rule of England has been a source of great good; and I see in it all the hand of a beneficent fatherly Providence. But there is room for great improvement. The government is almost entirely *personal*. To me as a Hindu, and as a religious man, in the end of things, personality and principle become one. But in the government of India, this is not altogether wise. The Englishman who is a

just and generous man at home, becomes a different animal in India. John Bright said, "When John Bull passes the Cape of Good Hope, he throws his New Testament into the sea."

The British first settled in India as "factors," by sufferance of the Great Mogul. They enlarged their schemes; they inserted the thin end of the wedge, till in the battle of Plassy they became wholly ascendant. They saw about them a multitude of small kingdoms. When the Englishman is under the impulse of rivalry, when he has to deal with alien races, he is an unenviable being. The English annexed these kingdoms, one after another. In England, I found the word annex used as equivalent to the word steal. Pretexts were found, and all the territory was devoured. The earth-hunger of England in India has been insatiable. I do not know how you reconcile this with your ideas of justice. The possession of power is a great responsibility, and very deadening to conscience. The British have ceased to feel any regard for the rights of the Hindu; yet the rights of man are a very sacred thing.

The personal treatment of the Hindus by the English is fraught with great future danger. The mutiny of '57 was the result of the absorption of native territory, and of the personal treatment of Hindus by Englishmen.

Queen Victoria (may God bless her!) caused a proclamation to be made establishing equality of rights between all Her Majesty's subjects. But this was *theory*. England felt that she had done her duty in announcing the *principles*. These principles were to be carried out by men totally opposed to them. Sometimes Hindus are employed in office because they are cheaper. But if an Englishman commits a crime, he cannot be arrested, or tried by a native constable or magistrate. There is now a legal measure under contemplation to give Hindu magistrates the right to try English criminals. This has awakened a great excitement among the English in India. In each of the native states there is an English "Resident." In India, there is an insect called the cockroach, quite large, with wings and horns. There is also a small blue wasp, which settles on the cockroach, and so feeds upon him. The British "Resident" is the blue wasp; the cockroaches are the nations of India.

Abstract principles apart from persons cannot govern the world. But I trust that the time will come when persons will become one with principles, when persons will adopt the rule of him who said: "Love your enemies, do good to them that hate you." The Prince of Peace in dying for men, acquired a glory before which the crowns of Emperors lose their lustre.

III. THE LEGAL HISTORY OF THE TELEPHONE.

BY M. F. TYLER, ESQ., OF NEW HAVEN, CONN.

(Submitted September 6, 1883.)

It will be six years next January since the first telephone was applied to commercial use. In January, 1878, a telephone exchange connection, substantially as it exists today, was simultaneously offered to the public in New Haven and in Albany. Today over 150,000 people are using the telephone in this country. This is a prodigious growth of business, and all the more prodigious as it seems to be an entirely new business; something so new as to make one question the wisdom of some utterances accredited to Solomon.

According to the title given to this paper in the prospectus, I am to give you the legal history of this business, and yet at the outset I encounter this difficulty, that the telephone has not yet had time to make what may strictly be called legal history. If one unfamiliar with the practical administration of the business were at this day to ransack the statute books and reported cases in search of telephone law, he would not find matter enough for one chapter of even a very brief history. It is proper, therefore, for me to tell you that this paper must be regarded only as a sketch of this new business from a lawyer's standpoint.

In the first place, then, you will excuse me if, for the purpose of making subsequent statements more intelligible, I presuppose a certain want of familiarity with the very foundations of the business, and state briefly the plan on which it is conducted in the United States.

When the invention of Mr. Bell was brought to the attention of capitalists, about 1877, a company was formed, to whom were sold, with other things, the Bell patents for the United States. This company has subsequently acquired a very large number of patents bearing upon all departments of the business, covering switches, transmitters, different forms of telephones, call-bells, etc. After much consideration it adopted the following method of developing the business:

Instead of manufacturing and selling the patented instrument, it determined to retain the ownership, not only of the patent right but also of the patented property. You will notice that every

telephone and transmitter is clearly marked with the words "Property of the American Bell Telephone Co." To bring the invention into use, it licenses other parties to use these instruments, and to sublet them for others to use. It receives for this license so much each year in the way of rental, but in no case does it part with its property in the instrument leased. This right of use of the patented invention the company has divided into several distinct uses, for each of which is given a specially prepared license. The chief of these uses are the "exchange use," and the "extra-territorial use;" I will define these farther on.

This corporation is now known as the American Bell Telephone Co. of Boston. As the invention attracted attention, men in different parts of the country secured licenses to sublet the instruments, within a defined territory. These licenses were limited in two respects, in respect of time and of territorial extent. In this way, by the close of the year 1879, much of the territory of the United States was covered by temporary licenses. Meanwhile, Mr. Edison had invented, and the Western Union Telegraph Co. had brought forward, another telephone. A suit was begun between the American Bell Telephone Co. and the Western Union Telegraph Co., to determine in whom lay priority of invention. After a mass of testimony had been taken, this suit was settled by a contract entered into in November, 1879, between the American Bell Telephone Co. and the Western Union Telegraph Co., in which the Western Union surrendered all telephone business to the American Bell Telephone Co., and licensed the latter as its sole licensee to use what telephone inventions it, the Western Union, had or might have. In return the American Bell Telephone Co. pays to the Western Union certain sums as royalties, and agrees to make its subsequent contracts with licensees on fixed terms arranged in the interests of the Western Union Telegraph Co.

Up to this time the business had not been profitable. This was due partly to the inexperience of those engaged in it, partly to the defective character of apparatus, and largely also to the competition engendered by the Western Union systems. Under the contract just referred to, this competition was removed, and the Bell Telephone Co. acquired a practical monopoly. The licenses which it issued after the execution of this contract were limited to five years in time; the royalty to be paid for the instruments was somewhat increased, but was uniform, and the uses to which

the telephone could be applied were restricted. Hitherto the duration of time and the amount of rental charged upon instruments had varied according to the cleverness with which the licenses were negotiated on the part of the licensees. From the time of this contract the business began to be remunerative. Money was ready to be put into it wherever it could be started. The limitation of time, however, in the license, soon began to have its effect. Large amounts of capital could not be expected to go into a business which might have to come to a standstill in a period of from five to ten years. It had hitherto been the policy of the American Bell Telephone Co. to issue licenses for unoccupied territory to any well-recommended persons or companies, and to ask no price therefor except the payment of the rentals. About a year after the execution of the contract with the Western Union this policy was changed. The process of absorption and consolidation of the smaller companies began, and with it came the policy of issuing permanent licenses, unlimited in time, though still limited as to territorial extent, for the life of the patent or patents, and to receive therefor, in addition to the royalties, a percentage of interest in the capital represented in the business. This is now the established policy of the corporation, and it has resulted in its becoming a large if not a controlling owner in all local telephone properties, saving one or two not very important territories.

The business, then, is one done under patents primarily; one in which the public comes in contact with the patentee, or the owner of the patent right, only through the medium of a licensee acting under a strictly limited and carefully expressed written grant.

Now, for a moment, let me call your attention to the business of a telephone exchange. A telephone exchange consists of a larger or smaller number of persons embraced within a radius of not more than fifteen miles from a given point, each of whom is furnished with a telephone and call-bell, with a wire running therefrom to a common central office, in which office is so much and such apparatus that any two persons so equipped can be put into speaking communication with one another. These are the essential elements of an exchange; everything else is an accessory. You will note that in this there is nothing essentially of a public nature; hardly anything of what lawyers know as a quasi public character. It is a kind of club, whose actual membership is limited, though its possible membership is an indeterminate num-

ber. In fact, however, every exchange practically has one or more offices at which the public can, for a small consideration, hold communication with any one of the subscribers of the exchange.

An incident or adjunct of the exchange business is the business between exchanges. An exchange under the contracts between the American Bell and the Western Union cannot cover a territory of more than fifteen miles radius from a given point. Communication between exchanges, that is, between points in different exchange territories, is done under what I have referred to as the extra-territorial use. So much for a statement of primary facts.

It is evident at once, that from the lawyer's point of view, there are three departments of this business. The first concerns the very foundation of the whole property—the validity of the patents owned by the licensing company. The second concerns the relations created by the license between the licensing company and its licensees, or the persons actually doing the business. The third concerns the relations of these operating licensed companies to the public at large, and to their subscribers.

In regard to the patents, it is incumbent upon me to say but very little. It is a fact that they have not yet been successfully attacked, but that, on the contrary, several decisions have been rendered in their support; it is also quite as much a fact that their validity, both as regards priority and as regards the scope of their claims, has not been settled by the court of last appeal; and also that these very questions are at issue in several suits which are now dragging their weary length along in our federal courts. Consequently, anything I could say now on this subject would be but a matter of personal opinion which, however interesting to the stockholders of the company of which I am an officer, could have but little weight with this audience.

As regards the relations of the operating and licensed companies to the licensing company, it may be said that these relations in every instance are the subject of carefully drawn and intelligently executed written contracts; that they can be readily determined by either party thereto; and, moreover, these contracts, so far as concerns the relations of the parties to them, have never come under the construction of the courts. The licensor and the licensee have never disputed over their relations except in private. This part of the subject, therefore, has no legal history to which the public is entitled.

We see ourselves, then, confined to the third division of the subject—the relations of the operating and licensed companies to the public and to their subscribers.

In examining the law upon any subject which is at all new, there are one or two things first to be remembered. The law, in its expression and in its administration, is from its very nature concerned more with things as they have been, or as they are, than with things as they shall be. Consequently, we find that there is no definite and precise provision ever found in the law for a future, and as yet unknown, state of facts. The law never goes beyond actual experience, and in the department of actual experience treats only of those things and those relations which have been brought to its attention either through the courts or through the legislature. Consequently we find there is very little of expressed law which directly refers to the telephone business as distinct from any other.

I shall consider what positive law has been made affecting telephony by the legislature in any of its forms; then I shall pass to such case-made law as has been determined in the causes involving questions of telephone law which have come to decision in the courts, and afterwards I shall mention one or two cases which may arise.

The legislation affecting the business of telephone exchanges is to be carefully distinguished from that which affects them in common with other corporations. I shall mention only such actual or attempted legislation as has been aimed directly at the telephone exchange, and of this only such as has been attempted by State legislation. Municipal legislation is so local in its character, and concerns only such minor interests, and is besides so varying in its detail, that no general conclusions can be drawn from it.

Of general statute legislation, then, let me say, to begin with, that considering that the telephone has attracted so much attention, and has been the source of so much money-making, grumbling, speculation and amazement, there has been an astonishingly small amount of direct legislation upon it. On the statute book of by far the most of the States, the word "telephone" does not appear. Connecticut, Massachusetts, Missouri and Rhode Island, and to some extent Pennsylvania, New York and Iowa, have introduced the word "telephone" into their statutes wherever the word "telegraph" appears, thus making telephone companies for

all practical purposes identical with telegraph companies. The interests that this touches are their organization, their method of taxation and reporting to the State treasurer or auditor, their connection with other lines, their acquisition of rights of way, etc. Indiana and Wisconsin have passed laws regarding the organization of telephone companies as such. The Indiana statute has one or two peculiarities worthy of notice. In the first place, railroads are authorized to become stockholders in telephone companies. In the next place, stockholders are individually liable to the extent of the face value of their stock over and above what they have paid upon it. This statute is interesting, also, inasmuch as it lays down a rule of damages in case an instrument fails to work. No special damages can be recovered. The only damages allowed are rebate of rental for the period during which it was unserviceable. Minnesota has legislated regarding the setting of poles, but in a regulative and not restrictive manner. Wisconsin is the only State that has by legislation applied a general rule of policy to telephone companies. That was done by a statute passed in 1882, by which the exchanges are compelled to furnish connection to every applicant without discrimination. Under the same circumstances everybody, every member of the public must be treated just alike. This settles by statutory declaration a question about which there is some doubt in States where such action has not been taken; that is, the question whether a telephone company is so rendering a public service as to be subject to that law regulating common carriers, which obliges such a corporation to treat all members of the public alike. It also conflicts with a clause contained in all the licenses granted by the American Bell Telephone Co., or rather it renders that clause nugatory. When the contract was made between the Western Union and the American Bell Telephone Co., after the Western Union had licensed the American Bell to use its instruments as sole licensee, and had parted with all its own right to use them, the American Bell Telephone Co. granted to the Western Union a certain portion of the patent right in each invention which it owned, no matter how received, which grant was the exclusive use of those inventions for the purpose of collecting and distributing telegraph messages. In pursuance of this part of the contract between these two great corporations, and in so far as possible to protect this property already granted out of its patent right, the American Bell inserts

in each of its licenses a clause to the effect that the licensee, that is, the party who is to establish and run the exchange, shall not allow any telegraph company, except the Western Union, to become a subscriber to the exchange, and shall not allow its subscribers to use the telephone for the transmission of telegraphic dispatches to and from the office of any telegraph company except that of the Western Union. The licensee, on the other hand, in pursuance of this clause of its license, puts into his contract with his subscriber an agreement by which the subscriber binds himself not to use the instrument for the above purposes. Of course, legislation such as has been passed in Wisconsin would render the restriction regarding admitting telegraph companies as parties to the exchange on the same terms as other persons, of no force. Whether it touches the further question of allowing telegraph companies other than the Western Union to use the telephone as the Western Union uses it, is a question which we will consider further on. Wisconsin has also, by a still more recent statute, created a general method of license for telephone companies, the license being in proportion to their business, and taking the place of taxation. And perhaps it is as well to state here as anywhere an interesting dispute to which this legislation has given rise. In the town of Oshkosh, in Wisconsin, the local authorities in exercising their right to regulate the setting of poles imposed a local license of an amount so large as to make it a substantial tax. The company refused to pay. The local authorities cut down one or more of the poles of the company. Then the company paid the license, so far as that pole was concerned, under protest, reerected it and put their subscribers into connection temporarily, gave thirty days' notice to their subscribers of the discontinuance of the business, and are at this day as rapidly as possible removing their instruments and abandoning the town.¹

From the very character of the business, telephone companies exercise to a limited degree a part of the right of eminent domain inherent in the State. For the construction of their works it is necessary that private property, especially in the highways, be subject to an easement. The questions which arise under this exercise of the right of eminent domain have been duly con-

¹ The conduct of the exchange in Oshkosh, referred to on page 169, resulted in a withdrawal of the offensive demand by the city, and the business continued as before.

sidered, and on the whole well settled in the history of the telegraph business. But as regards cities, telephone companies have to exercise this right so much more extensively that it is probable that new sides of this doctrine of eminent domain will be presented. It has seemed to me that it is quite within the possibilities that property may be subject to a right in the telephone company to cross it without permission after proper condemnations. In many cases it is necessary to suspend wires over property which is not actually touched. So far as I know, there has been nothing in the decisions of the courts, or in legislation, to limit a man's right to control everything over his land, even if it does not rest in any way upon supports fixed to the land. But I make the suggestion as indicating one of the possible questions that may arise. There has been a vigorous, and I think very just assertion of the rights of the public in the highway, in a case which was decided by Judge Thayer, of the Circuit Court of St. Louis, and has very recently been affirmed by the Supreme Court of Missouri. The case was this: With the consent of the city authorities, the company was about to set two poles on Sixth street, in St. Louis, near the outer edge of the sidewalk, in front of the premises of the Julia Building Association. Under this sidewalk was an area connected with the building, and to set the poles it would be necessary to bore through the flagstone for the distance of about seven feet into the area wall erected at the outer edge of and underneath the sidewalk. The owners of the building brought a petition for an injunction, which was heard by Judge Thayer and dismissed. The Judge says: "The public not only have the right to pass over and along the street with vehicles and the like, but they have also the right to make any other use of the soil in the highway that is conducive to the public welfare and convenience. When land is dedicated for the purpose of a highway within the limits of a city, without other condition than that it is to be used as a highway, it is clearly implied that it should be used not only to accommodate travel, but to support structures of the kind above indicated—(gas, water and sewer pipes, horse and steam railway tracks, and telegraph poles), inasmuch as such structures, though erected by private capital, are in one sense public servants like the roadway itself." Then the Judge goes on to say that in that State the legislature may authorize the use of the streets of cities

and villages for such purposes without making compensation to the owners of property abutting thereon, because such use is a reasonable and natural use of the highway, and is involved in and paid for with the easement created by the highway. And further, he regards this right as paramount to any right which individuals may claim to make and use excavations under the street for their private benefit or convenience. The Judge held that while the owner of the building might maintain an action for the wilful injury of this area, yet if it became necessary to bore into the wall for the purpose of setting a telegraph and telephone pole, the wall could be used as a foundation for such structures in the same manner and under the same circumstances as the soil of the street which the wall displaced. The principle of this case is simply this, that the easement of a highway involves the dedication of the land for the setting of telegraph poles under and subject to the regulations of municipal authority, just as much as it does for the passage of teams, or foot-passengers, or animals, over that particular piece of soil subject to similar regulations. With this rendering of the law a permanent right of way can be acquired for telephone companies. We believe that the telephone has become so much of a necessity, that this may become the law in all States.¹ It is simply putting telegraph and telephone companies on the footing of horse railroad and gas and water companies, as regards their relation to the highway franchise.

To come now to the relations existing between the telephone company and its subscriber. In the first place, these relations are definitely fixed by contract. The American Bell Telephone Co. compels its licensees to take a written contract from every subscriber to an exchange. This contract distinctly states what the company undertakes to do, and the conditions on which the subscriber takes his instrument. This subscriber's contract is intended principally, so to restrict the uses of the instrument, that the provisions of the agreement between the American Bell Telephone Co. and the Western Union, shall be observed. In that instrument the Western Union tried to protect especially the business of the Gold and Stock Co., and its own quotation and associated press work. Consequently market quotations and other

¹ The principle of law enunciated in this Missouri case has been declared by the Supreme Court of Massachusetts to be the doctrine of that State in the recently decided case of *Pierce et al v. Drew et al*, not yet reported.

news for publication are contraband over a telephone wire. So are messages to be sent by any telegraph company other than the Western Union. The penalty of a breach of these provisions of his contract by the subscriber is the forfeiture of his right to have the telephone at all.

In New Jersey, New York, Kentucky, Ohio, and more recently in Connecticut, attempts have been made either to restrict the building of telephone lines, or to put them under ground, or to prescribe their rates of charges. But although bills for these various purposes have been introduced into the legislatures of one or more of these States, nothing has come of any of them. Perhaps the most serious was the underground bill in the legislature of New York in the last session. It may be well here to state, as I think I am able to state from the point of view of telephone management, the position of those engaged in the business on the subject of putting wires under ground. I believe that I express the opinion of the best practical managers of telephone systems, when I say that were it possible to operate a system successfully with underground wires, it would be to the advantage of the company to build their plant in that way. The real, substantial, and to my mind as yet unanswered objection to putting the wires of telephone companies underground, is that as yet discovered and made public, there is no system of so building the wires which will enable a large exchange to operate. We do not want to do it, simply because we cannot do it. Experiments have been tried in various directions, and in every instance where they have been tried without prejudice, and without pecuniary interest, they have failed. The only experiment in this country of which we have reports of successful results are those which have been carried on in the interest of some patented system which is looking for pecuniary returns. In the operation of exchanges today, a very large amount of the operating expense is that which is incurred in maintaining these systems of aerial lines. A successful system of subterranean lines, though costing more in the first instance, would, I believe, be for the advantage of telephone companies. The trouble is, such a system does not yet exist.

This comprises briefly about all the State legislative history of the telephone business, and it will be seen at once that hardly any questions of importance have been settled. When, for instance, we begin to examine into such a matter as taxation, we are cast

into inextricable confusion. As yet telephone companies do not extend much beyond State limits. I believe, however, that the time is not very far distant when the number of independent telephone companies in the United States will be comparatively small. They will from natural causes become grouped and consolidated into a few large and territorially extensive corporations. Then the question of taxation will be one of very great interest. Of course it is well known that the whole matter of taxation of corporations in our States is in a deplorable condition. There is no uniformity of principle in the different States, and within the limits of a single State the widest range of practice has been found. It is especially difficult to establish any equitable method of taxation for a business like that of the telephone, where the value of the property used can be made so great or so very small according to the standpoint from which it is viewed. It has always seemed to me that the true method of appraisal was one which was based, not at all upon the amount of capital actually spent in the plant, nor upon the capital which this plant was supposed to represent in the form of stock, but upon the amount of business done within the limits of any State as represented by gross receipts. This system, however, has been applied to telephones in but very few instances. It would take the rest of the afternoon to describe all the methods under which they are taxed, and the result would be of no value.

To sum up, then, in regard to positive legislation, I may say, first, that it is the tendency, though by no means universal, to regard telephone companies in most respects as telegraph companies, and this tendency is indicated either by direct legislation or by implication in the administration of existing statutes; second, that the terms on which exchanges shall serve their customers have as yet been almost uninterfered with; third, that the most that has been done has been done by the local authorities in the way of regulating by general statute the building of lines and the exercise of the franchise which the companies generally enjoy on the highways.

Turning now to the law that is not made in the legislatures, but in the courts, we find a still greater want of material for history than in the other departments of our subject. Telephone companies as a rule are peaceable, and avoid fights. Very few of the companies have been sued, and in those that have been sued

questions of general interest have come up in but few cases. The question of the validity of that clause in the license to which I have already referred, which forbids the exchange to furnish connection to any telegraph company without the consent of the American Bell Telephone Co., and which forbids the use of the telephone for the collection and distribution of telegraph messages by parties other than the Western Union, has been brought to the courts in two States; in Ohio and in Connecticut. In Ohio, mandamus was brought by the American Union Telegraph Co., to compel a telephone company to give this connection. The question was decided against the telephone company in the court below, and went up on appeal to the court of errors. Consolidation of the telegraph companies ensued before the case was argued, and as a result it was submitted without argument, and a *pro forma* opinion was entered supporting the mandamus. In Connecticut, the American Rapid Telegraph Co. attempted the same thing, and the case was defended by the Connecticut Telephone Co. Mandamus was refused in the lower court, and in the court of appeals that judgment was affirmed, and the validity of the contract established so far as that State is concerned. It was held in substance that the restriction was one which the patentee had a right to make; that the exchange held nothing under the patents but what was expressly granted; that this right was expressly reserved, and consequently the exchange had no power to execute a mandamus should the court issue one. The question whether or not a telephone company was a common carrier was not discussed by the court (49 Conn. Reports, 352).

The Louisville Company have had a contest over another though similar question, that is, whether they are obliged to furnish connection to any one who asks it. In their case the question arose in connection with their carriage service. It seems that the company was running a livery stable, from which they sent carriages to their subscribers as they were called for by telephone. They refused to rent telephones to livery men. A competing livery establishment asked for a mandamus to compel the company to give them telephone connection, thus bringing them into direct and favorable competition with one department of the business of the exchange. The case was decided against the exchange in the lower court on the ground that the company was doing a public business, was the public servant in the nature

of a common carrier, and must furnish to all alike, even to competitors. The case was appealed, but before it could be argued the exchange sold its carriage business, and the matter was by mutual consent dropped. The opinion of the lower court is published in the September number of the *Kentucky Law Journal* for 1881, on page 144. It will be found that the chancellor based his decision upon the opinion of Judge Thayer in the case of the *American Union Telegraph Co. vs. the Bell Telephone Co. of Missouri*, in which the question already referred to of telegraph connection was brought up. This St. Louis case was not carried beyond the lower court because of the intervention of consolidation.

Still it is impossible for any contract, so framed that men generally will sign it, to cover all possible conditions or contingencies. Circumstances will arise, and have arisen, not contemplated by the contract, and while very little if any law has been authoritatively enunciated by the courts on any of these questions, still it is worth while to look at them. One of the questions that earliest arose was the responsibility of the telephone company for accuracy in the transmission of messages. The theory of the telephone exchange is that the patron of the exchange sends his own message, and receives his answer directly from the person with whom he communicates, without the intervention of a third intelligence. The actual fact is, that in long distance talking the operator at the exchange often becomes the medium of repetition. I suppose it will be confessed that where one subscriber talks directly to the other, there is no question of responsibility on the part of the telephone company. The exchange then can in no way control the message. It knows nothing of its contents, and is responsible for nothing but the working of the means of communication between the two parties interested. If the person calling is put into communication with the person for whom he asks, and the communication proceeds, whatever may result from that communication of loss or damage, or injury to the feelings of either person, the telephone company cannot be held responsible. It is no more responsible than the carrier of a note, who is ignorant of the contents, could be responsible for an insult or deception which that note might contain. The question, however, becomes more complicated when the operator takes the message from the sender and transmits it by his own word to the receiver. Where

this becomes the fixed custom of the exchange, it would be a grave question whether the company were not responsible for ordinary care and diligence to secure accuracy in the transmission of the message, and it is not improbable that the court might hold that such care would require the repetition of the message by the operator to the sender, in order to be sure that he had it correctly. As to the responsibility of the company for the failure of instruments to work, I suppose that from the ordinary rule of law, special damages could not be granted unless special neglect and want of ordinary care on the part of the exchange could be proved. Undoubtedly a rebate of rent for the time during which the instrument was inoperative could be claimed. Analogous to the question of responsibility for messages, is the one as to what control the company can have of the instrument to prevent its use for unlawful and immoral purposes. This was an unsettled question until very recently, but by a recent decision (of a lower court to be sure) in one of the western States, a company was justified in removing an instrument from a subscriber's premises because of improper use.

I believe that in what I have said is contained all of what can, with any propriety, be called the legal history of this invention. I doubt very much whether there will ever be enunciated any body of law which can be denominated "telephone law," as distinct from other law, to the degree in which we speak of "telegraph law" or "railroad law." Though the business is new, it is so analogous in character to the business of telegraphing, railroading and expressage,—analogous though not identical,—that I think the probabilities are that as in the development and permanence of the business one and another question is brought before the courts, each will be decided not only on the principles of telegraph and other law, but directly by that law. Telegraph law will so far as applicable be telephone law. After an experience of four or five years in the business, both as a lawyer and an officer of a telephone company, I am unable to see what questions can arise that cannot be so decided. It is true that the peculiar and dependent manner in which the business is carried on, being that of the business of licensees instead of independent owners, may raise some questions in which the properties of patent law, and the peculiar rights of patentees as against the interference of State legislation or State judicial construction, may

cause the determination of some questions in a manner very different from what they would be determined if those who are operating were actual owners of these instruments. It is of course well understood that a patentee is governed in the commercial management and development of his patent only by his own pecuniary interest, subject to police regulations. The principles of public policy such as have been evoked to sustain somewhat strained decisions in some of our western States, notably in the elevator cases in Illinois, cannot be applied to this species of property. Dedication to public use would involve, as regards a patent right, a direct contradiction of the terms of the patent granted. It would be an abdication on the part of the patentee of the rights which the federal government has given him. What federal legislation may do I would not undertake to say. The business now is one in which there is no competition. I see no reason to believe that there will be any competition for a long series of years. Legislators and many would-be public benefactors, who are but imperfectly acquainted with the facts, may find this "monopoly" a favorite subject of attack. They have always known how to manage large business interests, whether railroads, telegraphs, or anything in the nature of corporation business, much better than the trained minds that are devoted to it. We cannot expect an interest of such importance, and in which apparently the profits are so large, to escape their attention. I do not, however, believe that it will be possible to effect very serious modifications of the business, or to create any legal history which shall be peculiar to it, until the protection of the patent laws of the United States has been removed.

ADDRESSES AND SPECIAL PAPERS.

I. THE AMERICAN CIVIL SERVICE SYSTEM.

AN ADDRESS BY JOHN M. GREGORY, LL. D., OF THE UNITED STATES CIVIL SERVICE COMMISSION.

(Read September 6, 1883.)

Within the year, Civil Service reform has passed from the domain of theory to the domain of facts. A year ago it was a question to be agitated and answered; to day, it is a system to be enforced. Seldom in the history of peoples has a great social or political cause come to so sudden a triumph. In November, the American people spoke their mind through the ballot boxes. On December 28, the Senate passed the Civil Service bill, only five voices dissenting, and on January 5, the House of Representatives passed the bill by a vote of 155 to 47. January 16, the President affixed his approving signature and the bill became a law of the land. The 1st of March, the commissioners nominated by the President were confirmed by the Senate, and March 9 they took the oath of office and entered upon their work. May 7, the new Civil Service Rules formulated by the commission were promulgated by the President, and June 19, the first Civil Service examinations were held at Chicago and New Orleans. Before July 16, the day fixed by the act itself for appointments to commence under its provisions, examinations had been held for twenty of the twenty-three post-offices, and nine of the eleven customs districts coming under the rules, and a general examination for the several executive departments at Washington. Since that date, examinations have been held for the remaining offices, and a second series has been held in nearly all, to replenish the registers of eligibles, and provide an adequate supply of approved applicants to fill vacancies, actual or anticipated.

Appointments were made from the lists of the examined, in several cases, before the law required the candidates to be taken from those lists, showing the ready disposition of the appointing officers to accept the new order of things. Appointments from the registers of eligibles have now begun all along the line, and

the system may claim to be fairly inaugurated. The law met with a cordial reception from all the heads of the offices coming under its provisions. Many of them declared they had been compelled to anticipate its requirements, and to inaugurate a sort of Civil Service reform of their own, to enable them to carry on successfully the business of their offices. From all quarters comes a constantly increasing volume of approval of its provisions. The enactment of the law, and the promulgation of the rules, have acted as missionary forces, and have probably made more converts in six months than all the reform associations had been able to do in ten years. There is a popular power and argument in a statute that cannot be found in the most eloquent speech. A law is public opinion, not struggling in debate and waiting for a majority, but crystalized into a statute, with the majority legally arrayed on its side, and armed to enforce it. Thousands who listened with little interest, or with vague distrust to the plans of reformers, as to an untried scheme which a coming generation might venture to approve, now recognize that scheme as a fact accomplished, a plan in operation whose feasibility is proven, and whose usefulness is no longer to be questioned.

Civil Service reform has come to stay. The chiselled statue can never again be hidden in the quarry whence it was taken, nor the builded ship be turned again into forest oaks. Partisans eager for spoils may attempt to discredit it. Doubting and unfriendly congressmen may desire to repeal the law, or to cripple it by hostile amendment; but no party can long or successfully brave the will of the instructed American people. The system may be changed, enlarged and improved, but it is here to remain, a part of our system of government. The evident duty of the hour is to study it and make it known. To this work I dedicate this opportunity.

The Civil Service Act itself was formed by the union of two bills, distinct in scope and purpose. The first was the so-called Pendleton bill, which sought to fill the administrative service of the country by competitive examinations. The second was a bill championed chiefly by Senator Hawley, and aimed against political assessments. These two bills represented the two great distinctive aims of Civil Service reform: (1.) the creation of a pure and efficient service for the country; (2.) the total separation of that service from party politics. If the latter object was held more

prominently in view by the advocates of reform, it was because evil always commands attention before the good which it mars or hinders. The physician always attacks disease, knowing that if he can stop the morbid action, nature itself will restore the functional activities of health. The *Spoils System* was a disease which had fastened itself upon the political life and institutions of the Republic, and to stay the ravages of this disease was evidently the first step to any true and adequate reform. The intrusion of party workers and party activities into the offices devoted to the public business, had opened wide the doors for all kinds of abuses. Poverty of service, and neglect of duty, were palliated by a show of zeal in the party cause or caucus. The lines of discipline grew indistinct in the presence of this element, so foreign to the purposes of the office. On the other hand, the presence of a body of paid partisans, whose energies could be used in so many ways in the management of a campaign, and above all, the contributions that could be forced from clerks who owed their places to party favor, and might lose them by the failure to carry an election, polluted the very sources of service, and tended to turn the forces which were designed to do the work of the people, into agencies to defeat the popular voice and will. If, as is doubtless true, the greater number of clerks and officials have remained comparatively true to their trusts, performing faithfully the public work, and trying for the public good, it has been in spite of the poisonous and palsying influence of the system under which they have worked, and not because of it.

We have seen the poor victim of consumption continue to relish and digest his food, and to perform regularly, and with seeming health, most of the functions of life, notwithstanding the terrible disease which was feeding upon some vital organ and slowly wasting the very tissues of the body. The friends of the patient have shut their eyes to the dread disorder, and kept alive their hopes, and the hopes of the doomed victim, by pointing to the show of healthful action still remaining, and to functional energies as yet untouched. So, formerly in England, and more recently in this country, the disbelievers in Civil Service reform resented all charges of political disease, and pointed to the public service, still so largely excellent and vigorous, as proof that no danger lurked in the political system, and no change was demanded in plans of administration. Grave statesmen, in the mother country, and

here at home, have put themselves on record with this foolish objection to reform, that the Civil Service was already good enough, and that it showed evident signs of vigor in spite of the party work imposed upon it, and the party despotism which traded upon its places. As well disregard the leak in a ship, because, forsooth, the engine still does its work, and the vessel keeps on its course.

THE HAWLEY BILL.

It was the purpose of the Hawley Bill, which now forms the concluding sections of the Civil Service law, to strike at one of the chief partisan abuses of the service by prohibiting political assessments. The hundred thousand officials, clerks and employés were, under the old system, to any party in power, an unfailing and almost inexhaustible source of funds for political purposes. Every one, even women and messenger boys, might be appealed to, and almost compelled to contribute to the election campaign purse, urged by the fear of going out with their party if the election was lost, or of being turned out for not contributing if the election was won. To prevent this dangerous abuse of partisan power the Hawley Bill strictly forbids all Senators, Representatives and delegates in Congress, sitting or elect, and all officers of the Government, executive, judicial, military or naval, and all clerks and employés in any branch, bureau or department of the Government, to either solicit or receive, directly or indirectly, from any other such officer, clerk or employé, "any assessment, subscription or contribution for any political purpose whatever." It also prohibits all other persons from soliciting or receiving such contributions of money or other valuables in any room, building, navy-yard, fort or arsenal of the United States. It further stringently forbids all discharge, promotion or degradation, and all promises and threats thereto, "for giving or withholding or neglecting to make any contribution" for any political purpose. And, finally, it directly inhibits every officer, clerk and other person in the service of the United States, from giving or handing over to any other officer or employé, including all members of Congress, any money or other valuable thing, on account of, or to be applied to, the promotion of any political object whatever. All these prohibited acts are declared to be misdemeanors, and are made punishable with fine and imprisonment. If these provisions of the law are

fairly enforced and obeyed, they will drive out of the Government offices at once, and keep out forever, the corrupt and corrupting influences which have tended to turn those offices into shambles of official honesty and of public liberty. They cut, as with a stroke of the cimeter of Saladin, every nerve and vein and artery of mercenary political connection between the subordinate civil servants and their political chiefs. The officers and other employés of the Government may still bear their part in the political contests of their country, but it will be as citizens, not as officials, and it must be outside of all official places, persons and relations. The temple of the public service and all its courts must be cleansed of all buyers and sellers of offices and votes. Men may and doubtless will sometimes violate these prohibitions just as men continue to steal and commit other prohibited crimes, but the law of the land is clear and full against them, and they make themselves criminals by every violation of the statute.

We may speak the more freely of these things, because both of the great political parties have sinned in these abuses of the public service, and if the party now in power sinned last because last favored with opportunity, it has voluntarily disrobed itself of its power of sinning by proposing and adopting this stringent law.

THE PENDLETON BILL.

The bill introduced by Mr. Pendleton, did not neglect to prohibit the enforcement of political proscriptions and contributions, but its main aim was to accomplish the more direct and complete reform of the Civil Service, by providing for the selection of Government clerks and employés on the basis of personal fitness; and, by consequence, excluding personal and political influence in procuring appointments. As the Hawley Bill attacked the pecuniary element in political preferment, this attacked the personal. The former sought to free Government servants from political taxation; the latter aimed to free them from political domination and dependence. The one would accomplish its purpose by simple and plain prohibition, the other by the substitution of a new system of appointments,—the putting of competitive examinations in place of Congressional or other political recommendation or dictation. The Hawley Bill forbade a great crime against the Republic. The Pendleton Bill wrought a great revolution in the Government, and inaugurated a new civic

system for the country. This system it is important that every good citizen shall understand, in order that he may intelligently support it. Its main features may be defined as follows :

(1.) THE COMMISSION.

Like the English Civil Service System, ours lodges the practical management of the system in the hands of a Civil Service Commission. The United States Civil Service Commission is composed of three Commissioners, of equal rank and authority, appointed by the President, and confirmed by the Senate. This Commission differs from the former Civil Service Commission under President Grant in the important fact that the office of the Commissioners is distinctly created by law, and this law defines their duties and prescribes their salaries. They thus take their place among the permanent and responsible officers of the Government. The President is made by the Constitution the head of the administrative forces of the Government. He is the chief appointing officer, and by himself, or through his Secretaries, the heads of the several departments, he appoints most of the officers and employes of the Civil Service. The Civil Service Commission is created by the law to assist the President in this important function of his office. At his request, they aid him in the preparation of civil service rules, which, when promulgated by him, become binding on all the executive officers of the Government. These rules, the Commission is charged to carry into effect, and to it is thus committed the general management of the system.

(2.) THE COMPETITIVE EXAMINATION.

The second great feature of the system is the use of the competitive examination. The law provides that no officer or clerk in the classified Civil Service (that is, the service at the departments in Washington, and in the post offices and customs districts included under the law), shall be appointed, employed or promoted without having first passed an examination, or been shown to belong to some class exempted from examination under the law or rules.

The aims of the examination, as declared by the law, are, *first*, to test "the fitness of applicants for the public service;" and, *second*, to "test the *relative* capacity and fitness of the persons examined." These two aims are nearly distinct, though possible

to be united. The first ascertains the actual qualifications of each applicant; the second ascertains the comparative merits of two or more applicants. The former is the common aim of what are usually called "pass examinations." The latter is the proper purpose of the competitive examination. The competitive examinations of the Civil Service are to serve both uses: *first*, to admit to the register of eligibles and to the service, none but competent persons; *second*, to select from applicants who appear, the most competent, and present them for appointment in the order of their merit and fitness. So far as the examinations are competitive, it evidently matters little whether they are high or low in character, since, in either case, the best man will stand highest. But as far as they are designed to serve as "pass examinations," to test positive fitness, they must be adapted in grade and character to measure the intelligence and qualifications required.

Much of the law and of the rules is occupied with this subject of examinations. The system, indeed, hinges on these. It is through its examinations that it proposes to select, henceforth, the clerks and subordinate officials of the Government. Against this feature of the system, the heaviest objections of its opponents have been and will be brought. It is the examination which shuts out the political influence and the spoils system; for, if the applicant passes at a sufficiently high grade, he does not need political influence; if he does not so pass, no political influence can help him.

The importance of the subject demands a more particular discussion. The objections most frequently urged against the system are these two: (1.) The examinations must be of a merely literary or scholastic character, no other being thought possible. (2.) No such examination can fairly test practical qualities, such as honesty, industry, skill and experience. The best reply to these objections is to describe the system that has been adopted and is now in use.

THE EXAMINATION FOURFOLD.

The examinations actually made are fourfold.

(1.) The application paper, which the applicant must make under oath, is a rigid inquest into the age, nativity, residence, health and physical condition; present and previous business; education and experience. If these are satisfactory, (2.) next

comes the competitive examination into the penmanship, orthography, knowledge of numbers and accounts, ability to use the mother tongue, to write a letter, and knowledge of the geography, history and government of our own country. If the candidate passes above 65 per cent. on the first three of these subjects, (the writing, orthography, arithmetic and accounts,) his name is placed on the register of eligibles to await his turn to be certified when vacancies occur. (3.) When his name is reached on the list it is sent in with three others to the appointing officer, and from the four this officer selects the one he prefers. This constitutes a third virtual examination, for the appointing power has a right to inspect the papers, and to see the persons, and, although each name must be sent in three times, (in Washington twice to each department, or fourteen times in all,) still any *one* may be rejected, though not all. (4.) Nor do the examinations end with this selection. The first appointment is always for a probationary period of six months. This is a six months' examination into the practical and staying qualities of the applicant. No cramming can avail him here. He is on trial to test his inmost and fullest capacity and if he fails to make good the promise of the three preceding examinations, he is finally dismissed. If under this plan the government fails to get good clerks, the fault will be, not in the system, but in the negligence of the men that operate it. No great commercial or railroad corporation could take sounder or more searching methods than these to procure good and competent clerks and agents. Is any other answer needed to those who would discredit the Civil Service system by objecting to the inadequacy of any and all examinations?

But we need not, and do not, yield to the objection that the literary examination is so uncertain. It is by no means so futile and indecisive as is frequently affirmed. Good scholarship, in nineteen cases out of twenty, is proof of brightness of parts, of industry, and of readiness in the acquirement of facts—the very qualities which go to make an intelligent, trustworthy and useful clerk or public officer. The mere “book-worm,” idle and impracticable in all things else, is not the common product of our schools. If he is, then the American people are greatly mistaken in their belief in the value and importance of education, and they are committing a most egregious folly in maintaining such costly school systems,—expending \$100,000,000 annually to turn bright

boys and girls into lazy, incompetent "book-worms,"—the poorest of all the grubs. If the objection means that the young man fresh from the schools has not as much business experience as the man who has been at work in the business world ten or more years, the fact is too plain for debate; but it is a baseless assumption that the school boy fresh from school, will pass the examination better than the man of experience. The testimony from the Civil Service examiners in the New York Custom House is that business men from 30 to 35 years of age pass the best examination. Even the literary examination then brings to the front the best practical men.

The Spoils System selects without examination. Has its success been such as to evince that examinations are needless? Gen. Garfield is said to have estimated that 30 per cent. of the clerks in Washington are incompetent or useless. A chief clerk of large experience affirmed to me that one-third of the clerks do two-thirds of the work. Whatever may be the truth in these statements, it is safe to say that not a Department or Bureau can be found in Washington in which there are not incompetent or inefficient clerks whom the head of the Department or the chief of the Bureau would be glad to be rid of. If the system of examinations shall give no better results than the Spoils System, it will be very speedily condemned.

THE REAL ISSUE.

The real issue between the old system and the new lies in this question of examinations. The advocates or partisans of the old system deny the utility of examinations, and vaunt the value of personal inspection, or of recommendations which are supposed to come from personal knowledge or inspection. The official of the old school has a sort of "thumb rule" for judging candidates for office under him. Give him a fair look at the man, and he is sure he can decide at once upon his capacity and general working qualities. He cannot conceive that any such inquest into character, attainments and capacity as the Civil Service rules provide for, can be equal to the off-hand judgment he forms of any and all applicants. It is not uncommon for men to overestimate their power of judging their fellow men. Every man wishes to see for himself the man whom he is to employ. He fancies that he will be able to discover in looks or demeanor, in speech or action or

dress, some sure indication of the candidate's ability, character and trustworthiness. And yet, scarcely a day passes that shrewd and experienced business men do not find themselves deceived in the people they employ. Every wise man knows that only long probation can test the value of the surface showing, and bring to light the real qualities and working powers of an applicant. And this probation the Civil Service rules provide for.

Carefully considered, these rules provide for all that personal inspection relies on, and far more systematically arranged and more thoroughly carried out. As already stated, first comes the preliminary inquiry as to the applicant's antecedents, made under oath, and supported by the written certificates of not less than three worthy men, who affirm on honor the length of time they have known the man, their belief in the truth of his statements and their own readiness to trust him. Would not the prudent official or business man make such enquiries? Then comes the examination into the intelligence and scholarship. This, too, the official and the business man would like to know, and this examination they make in some indirect way, but with far less thoroughness than the Civil Service rules accomplish it. If this examination of scholarship counts for little in determining the character of the man, still it counts for something, and at least gives assurance that he has learned to read, write and cypher, and that he can do these things much better than many others and passably well. But if the business man would not stop with this examination, neither does the Civil Service system. It provides for the personal inspection which is so much praised and counted on. Four names are sent to the appointing officer, and, if he has time and wishes it, he can summon the men and look them over, exercising his keenest judgment of character and of appearances. It is true he must take one of the four, but they are picked men to begin with, having been examined and certified in the most important particulars.

It is no slight confirmation of the value of the system that in most cases the first man of the four is taken without further inquiry, and experience proves this to be wise and safe. No really sagacious man puts such confidence in mere personal appearances, or in his power to interpret them, that he is willing to put his first impressions against all which careful inquiry and examination have revealed. In business affairs, he would say to an applicant thus thoroughly vouched for, "I will take you and try you;" and this

is precisely what the Civil Service system says, "Take the man and try him." It requires that the first appointment, in every case, shall be for the probationary period of six months, and makes it the duty, moreover, of every officer, under whom the probationer serves, to keep watch, and to report in writing, upon the character and value of the service rendered, and also upon the character and qualifications of the man. Thus what the shrewd business man does for himself, or by his foreman or agent, without system, the Civil Service does regularly and systematically for the whole range of appointing officers.

The answer to the issue, examination versus no examination; or, rather, of careful, systematic examinations made by experts and put in writing, versus examinations made irregularly and hastily by the head of an office, or by some irresponsible political friend, is complete, and, to every fair-minded man, satisfactory. But the whole truth is not told without saying that commonly, under the old system, the sagacious personal inspection was rarely left free to do its best in selecting the best man. The pressure of partisans and friends forbade the appointing officer to select whom he pleased, and every such officer will say he has sometimes, if not always, been forced to appoint the poorer man, or lose friends and make enemies.

BOARDS OF EXAMINERS.

(3.) The next feature of the new system asking attention is that of the Boards of Examiners. These boards are required by the law to be selected from those already in the official service of the United States. This provision accomplishes two useful objects: (1.) Economy in expenditures; since these officers are already under pay by the Government, and no additional pay is at present provided for this work. (2.) It secures, as examiners, experienced, practical men, who are familiar with the wants of the service. Thus far, the examiners, selected with the hearty concurrence of the heads of departments and offices, are men of high rank and large experience in their respective offices,—chief clerks and chiefs of divisions, all of them men of known reputation for probity and good judgment. Every office was visited personally by some member of the commission, accompanied by some experienced official detailed from the departments at Washington, and the selections thus carefully made, secured, at the outset, the

confidence of the several communities in which the examiners reside, for the system they were to administer. The character and completeness of the work already done by them have proved the wisdom of selection. They constitute an intelligent and staunch body-guard of the new system, ready both to enforce and to defend it.

(4.) Only one other feature of the law can be noticed now, viz.: the limitation of its first application, and the provision for its extension. To give opportunity for the gradual introduction of the system, the act provided that at first it should apply only to the service in the departments in Washington, and to such post offices and custom districts as employed not less than fifty persons. These were found to include twenty-three post offices and eleven custom districts. The whole number of persons falling under the Civil Service Rules is not accurately determined, but it probably falls short of 15,000 out of the 110,000 persons said to be employed in the public service of the United States. This would leave 95,000 to be appointed under the old system, and keep alive and active the spoils system with all its pressure on the members of Congress and the appointing officers. This fact must be borne in mind in any judgment as to the apparent result of the system. It needs to be considered also that the civil list of the country includes over 48,000 postmasters, whom nobody at present proposes to bring under civil service rules, and to these must be added 25,000, or 30,000 laborers, and others, excepted from the examinations by the law or rules. If office-seekers still run the caucuses, and work at elections, and infest the capital of the nation, let it be remembered that it is not because the Civil Service law has failed of its end, but because that law is, for a time, restricted in its reach. The act lodges in the hands of the President the authority to extend the system to other offices with less than fifty employes, and from the heartiness with which President Arthur has acted in the inauguration of the system, we have a right to expect an order for its extension as soon as he deems it practicable. No one knows better than he how meagre and inadequate must be the results, and how uncertain the tenure, of the system while it remains restricted to so few offices, and while the old system is allowed to retain so large a part of the public service in its grasp. Grave questions, and not a few difficulties, will be met in extending the law to the smallest offices; but I can see no difficulty in

- extending it at once to all post offices and customs districts having as many as twenty-five persons in the service.

CONCLUSIONS.

It is too soon to predict results, but it is not too soon to say that much that was promised by the Civil Service reformers is already beginning to appear in the offices where the system has been introduced. The pressure for place, and especially the pressure on political grounds, has nearly disappeared. Applicants have learned that they must submit to examination, and that when examined, it is merit and not politics that can give them favor. No question has been asked by the examiners, and it is believed none has been asked by the appointing officers, concerning the political opinions of the applicant. Men of both political parties have been appointed without question and without distinction. In one office, it is reported that the first two appointees were both of the opposition party. If the system shall accomplish this one result, to take the Civil Service out of politics, and politics out of the service, it will benefit both politics and the service, and thus free the republic from a serious and growing danger and shame.

But while we forbear to predict results, it must be evident that this Civil Service System has a higher and grander mission than the curing of a political disorder. Wide as may become the duties and destinies of the Government itself, so wide must extend the executive agencies by which that Government shall meet its responsibilities and accomplish its work. The Civil Service is to the administration working hands, watching eyes, listening ears, and carrying feet. It is through these 100,000 officials, clerks and employés, that it transports and distributes the mails, collects the revenues, watches the coast, manages the public domain, and does all the thousand things which a great Government must do for its people. Practical governing is administration, and administration is the work of the Civil Service. Whatever affects the integrity and efficiency of that service affects the administrative energy of the Government. The very power of the Government to carry on plans of public good depends upon the intelligence and efficiency of the persons whose services it must employ. Civil service reform, therefore, touches to the utmost limits, all that the Government may be called on to do.

Recent events have called up afresh the question of a postal

telegraph system under Government control. Years ago, wise men felt that the telegraph work belonged as properly to the Government as the postal work, and for the same reasons. The telegraph is but a branch of the postal work. But the fatal objection to the Government telegraph was the immense increase it implied of the Government patronage, the extension of the Civil Service, and, consequently, of the chances of political corruption. It now seems probable that the postal telegraph is to be added to the postal letter system, and it may be extended like the latter till its wires reach every village in the country; and if the new Civil Service system shall continue successful, this great addition to the work of the Government can be made safely, without harmful increase of patronage, and without disturbance to political life.

So, too, the gigantic growth of the railroad system with the overshadowing monopolies to which it has given birth; the stock gambling which feeds upon it, and the enormous private fortunes of railway kings, which make their possessors dangerous to the public good, if not to liberty itself, may, at no distant day, demand that the Government shall assume control, if not ownership of these great highways of the people's travel and traffic, and manage them for the public good. If the choice must be made between great corporations and monopolies ruled by money kings, craftier and meaner than feudal monarchs, on the one side, and Government railroads on the other; if the enormous stretch of this railroad system, and the economic laws which control such property, forbid that it shall remain subdivided as other property is, among hundreds of owners who give it their personal supervision; and if it is inevitable that it shall be grasped and controlled by a few, or, finally, by a single great corporation with its managers of more than regal power; or if, as the alternative of this, the people, through their Government, shall assume the management of property so vast and yet so indispensable, who will hesitate? The dreaded but undefined dangers of the centralization of power in the general government sink into insignificance before the dangers of some Jay Gould with the railroads of the country in his hands, holding the commerce of the continent in his power, with an army of men dependent on him for daily bread, and with money at command to carry the elections of great States, or to corrupt their legislatures and courts when elected. But if the Government shall ever be required to thus extend its functions and take charge

of these iron roads, what but the most rigid and non-partisan Civil Service could answer our needs and render safe this enormous increase of power?

Let us try to lift one other corner of the veil of coming time. In twenty-five years, at our current rate of increase, we shall have 100,000,000 of people. In less than twenty-five years we shall in all probability have exhausted our patrimony of public lands and sold the last acre. In that time the Government work will employ a quarter of a million of men, and the pressure for work and wages, for place and office will be quadrupled. No cheap farms will remain to entice the needy, and give cheap bread to the multitude. The struggle for existence will become intense here as it is already in Europe and Asia. Will not the political problem also increase in weight and complexity? The spoils system which is comparatively harmless among a small people and a sparse population, but grows in danger with growing numbers, how would it rage among a population of 100,000,000? The reform in the Civil Service which to-day seems so important, would then be vital to the success of the Government and the safety of liberty. The Executive of a 100,000,000 of people with a quarter of a million of officials put under his personal command by the spoils system would be as dangerous to liberty as were the Cæsars. A short quarter of a century and we shall be the foremost nation in numbers and power not only of modern Christendom but of all times. Who can tell what new strains will then come upon our free institutions, what new duties will devolve upon the Government, what new assaults will be made upon liberty? And what integrity, and intelligence will not then be needed in the great army on the Civil Service list, to guide through dangers, and save from utmost damage the free government, the political liberty and the personal freedom of our people?

I would be glad to give honor where honor is due, and especially to the men of this Association for the efforts made by them which have aided so largely to bring about this great reform. But it would take too much of the time which the Society would prefer to devote to its present work rather than to any eulogy on its past.

It would, however, be unjust not to recognize the influence of our honored Chief Magistrate, President Arthur, in giving the law this swift and sweeping success. The Constitution gives to the President the power of appointment, and no law of Congress can

abrogate or seriously abridge that authority. It is his to make such Civil Service rules as he deems wise, and to impose by them, upon himself and his subordinates in the executive service of the Government, such limitations to the exercise of this appointing power as he chooses. The first work of the Civil Service Commission under the law, was to aid the President, at his request, in the preparation of rules to be promulgated by him. It will be easily seen from this, how largely, if not entirely, the success of the Civil Service law rested upon the favor of the President. The smallest unfriendliness on his part, or even indifference to its success, would have placed serious obstacles in its path, or would have allowed others to raise such obstacles to its progress. It is but simple justice to say, that from first to last, President Arthur has earnestly and efficiently helped the cause. The frank and forcible utterances in his messages in favor of the enactment of the law strengthened the cause of Civil Service reform both in Congress and throughout the country, and gave to the bill doubtless some votes which might otherwise have been against it. Once a law, he lent to it his hearty support, and the Commission has received from him nothing but friendly counsels and earnest encouragement. Not forgetting the noble work of this Society and of the Civil Service reformers, with the eloquent and earnest Curtis at their head, when the meed of praise shall be measured out for this great and beneficial revolution, the name of Chester A. Arthur will not stand lowest on the list of those who give it life and force.

[Since the Saratoga Meeting of 1883, the establishment of an improved Civil Service System under the United States Government, has made steady progress; the President, and most of the Cabinet officers, having publicly commended the operation of the new law, described by Dr. Gregory. In several instances, these members of the Cabinet had not favored the passage of the law, but have since become convinced of its efficacy and advantages, and now heartily recommend the maintenance and extension of the new system. This is a result which the American Social Science Association must view with peculiar satisfaction, since it was by this Association that the question was first publicly presented in the United States, and by our members that the agitation in its favor was for some years effectively maintained.

The State Governments have also taken steps in the same direction of Civil Service Reform, since the passage of the Act of Congress of which Dr. Gregory speaks; and the great State of New York now has a Civil Service law in practical operation; its provisions having been adopted to some extent in the City of New York, where the evils of the old order of things were specially noticed. In Massachusetts, where the civil service under the State government has been more permanent and better regulated than in some other States, a bill is under consideration by the Legislature to systematize and extend the existing practice, and to make a correct civil service system available in the city governments, where, of late years, there have been some complaints of political appointments and of misgovernment through the so-called "spoils system." Upon this subject, Governor ROBINSON, of Massachusetts, thus spoke in his Address to the Legislature, January 3, 1884:

"A statute that would secure and perpetuate all that our experience has demonstrated to be sound and successful policy, would be most wise. The national government stands committed to the destruction of the spoils system, and the State of New York has enacted a very comprehensive bill, intended to carry the reform into the departments of the government of the State and the large cities. So long as the present system in Massachusetts is adhered to, there is always the threatening liability, both in the State and the cities, that a change in party control will force a radical disorganization of the whole body of appointable officers, so far as they may be within reach, and most serious detriment occur to the public interests. The time has come when the patronage of the State

and the cities, and the expenditure of the public money, shall not be employed to accomplish or preserve party supremacy, and when fitness, not favor, shall determine appointment to, and continuance in, the service of the State and city. The question is well understood. Public sentiment is intelligent and pronounced. You have only to agree upon a practicable and efficient act to remedy these evils."

The Massachusetts Board of Health, Lunacy and Charity, with Ex-Governor TALBOT at its head, has made the following suggestions concerning the system of appointment in the charitable department, which no doubt apply in other States :

"The regulation of appointments and the tenure of office in the public service of the State and the municipalities is nowhere more useful than in the department of public charity. It is here that fitness and experience are most valuable, and the ill effects of political appointments are most hurtful. In the State service little harm has resulted as yet from partisan appointments, or the scramble for office that in some cities and States follows a change in political power; and the charitable department in Massachusetts has been exempt from such evils, and has established a tenure of office dependent mainly on 'good behavior, fidelity and fitness.' . . . Within a few years we have seen the paid officers in some of our cities displaced to make room for political 'workers.' In regard to all charitable officers this is an evil; but when it affects those who have the immediate charge of the insane, the sick, and the helpless poor, it destroys the whole efficiency of the service. We, therefore, recommend that the legislature establish for the cities and towns, as well as for the State, a system which will make fitness alone the test of appointments, and will secure such a tenure of office that the best men and women will continue to serve the public in this department."]

II. PUBLIC LIBRARIES AND PUBLIC EDUCATION.

BY J. N. LARNED, OF THE YOUNG MEN'S LIBRARY, BUFFALO, N. Y.

We find it convenient to speak of "libraries" as though the term stood for some well-defined species of thing. But really there are not many words used in language with more sweeping collectiveness, with more unbounded generalization of meaning. A collection of books—any collection of books—a collection of any kind of books—is a library. And who can make a definition of a Book? Try the dictionaries and see in what a dust-heap of derivations and mechanic inventories the word is hopped up! A Book,—a record of something spoken, thought, fancied, felt, suffered or done by somebody in some age of human history—what is there of things known or imagined among men that it may not represent? To speak in a large way of books is like speaking of stars and solar systems. There is no measure for the meaning we have.

I will ask you, then, to understand at the beginning that when I speak, as I have undertaken to do, of public libraries and their agency in public education, I do not mean to use the word in its indefinite sense. I do not mean, that is, to imply that all collections of books which may take the name of public libraries have one kindred or common agency in education. Perhaps I need not trouble myself to disclaim so unreasonable an inference; and yet there is mischief, I am sure, in the neglect of precautions against it. I find that the common effect on myself of much that is written upon the subject of books and libraries, and of their function, influence, value, as factors in life, is to make me forgetful of the enormous range and diversity of the influences which are really involved. I suspect that the same effect is produced upon many other persons in a greater degree, and that it is quite the habit among people to carry the unqualified generalization of the word "books" and the word "libraries" into their thought of books and libraries, and into the attitude and disposition of their minds toward them. It happens from this cause, I am afraid, that the question of the creation and maintenance of public libraries for public use, which has become in our time so important and great a question, has become also, too gross and uncritical an one. When a given community, or a given association of people, have

arrived at the intelligent conviction that it will be good for them and good for their children to gather a common collection of books for their common use, they are very often moved, I fear, by that indiscriminating notion of books which our comprehensive way of talking about them tends strongly to make habitual. It is their thought to have a *library*, and I doubt if the thought has more definition, in the minds of a majority, at least, than the word "library" can give it. What kind of a library it shall be — how much and what regions of the world of letters it shall embrace — with what aims of influence, to what ends of instruction, on what lines of intention it shall be constructed, are considered but carelessly, if considered at all. And yet there may easily be gotten together a collection of books that will not be good at all for people nor children, but much otherwise; and, still more easily, one in which the possible good is paralyzed by chaotic inorganism.

Do not think I am coming forward as the advocate of a narrow censorship, that would make selection rather than collection the law of the formation of public libraries in general. I am not so false to the instinct of my calling, which is miserly of all printed and written things. No instinct is truer than that — no parsimony more wise. For what smallest lettered scrap of the chronicles and confessions of humanity in its passing generations is not precious for hoarding, be it tell-tale of foolishness or wisdom, of meanness or nobility, of shame or fame? These poor paper vessels that float unwrecked down the slipping, shallow stream of the years can bring us little enough at best from the past,—will bear little enough on to the future. Scant commerce that it is which the living may hold with the dead by such frail carriers, shall we intercept them with prudish quarantines, to search for contraband frivolities and immoralities? No. The very smugglers and pirates, the punts and coracles of the fleet shall have harborage with us and refitting for their voyage, and we will convoy them on their way till our own years run shoal; for whatever their freight may be, it is *some* salvage from death — survival of something that is quick with the pulse and passion of ancestral life.

But that dutiful, indiscriminate piety toward books which I wish to vindicate by these figures, has its office quite distinct, as I conceive, from the collecting of books for common purposes of public education. It is an office which not many libraries in any country should be expected to undertake, and the nature of the under-

taking should distinguish them widely from the popular libraries which every city and town is calling into existence, to meet the literary wants of its people and as part of the apparatus of common education. They stand related to these latter as the mine does to the foundry and the smith's shop. They are stores of dross and treasure, mixed obstinately and confused beyond hope of separation by untrained workers in them. They are stores to which the people at large cannot go — ought not to go, to make the vain attempt at digging, sorting and refining for themselves. Their public utility must be realized, for the most part, by the intermediate labor of special students, antiquaries, historians, compilers, who make an avocation of the researches and the minuter scholarship which never can be incidentally pursued. And thus in their function they are necessarily placed at a certain remove from popular use, and no degree of popular education can bring them into an immediate standing among its agencies.

The ultimate aim of such libraries of collection, as I would call them, can rightly be nothing less than universality, either as extended to the wholeness of all attainable literature—which some few may dare contemplate—or as restricted to the wholeness of some definable field of collection. In either case, their comprehensive aim develops a structure, an organization, a system, a policy, which are in harmony with itself, but which are not fitted at all to the definite, particular objects of the library that is for the common, immediate use and education of the people. This fact seems to me to be somewhat disregarded, and I see a strong tendency among us toward the building up of our popular libraries upon the lines and in the forms and loosely toward the aims of those great book-collections which are properly made for the service of history and special scholarship. It is natural that these latter should exercise a kind of aristocratic influence upon our democratic intentions, and we need not feel surprised, perhaps, if we find that our popular libraries are projected too often upon a plan which is like a cross-section cut out of the library of the British Museum, representing one dimension complete and only shorn in the remaining two. But, to me, this appears to be a mistake of some seriousness and requiring to be considered. There are two or three consequences to be apprehended from it which I would specially note.

First, there is the danger that public libraries, which depend for

their maintenance upon the willing self-taxation of limited communities of people, will be developed into institutions of burdensome expensiveness, while, at the same time, their growth is so much in a direction above the heads of the people, out of the range of popular wants, that public interest in them will be weakened and the sense of their claim to public support will give way to fatal criticisms and discontents. A library which is to be a general collection of books on any comprehensive scale is a costly thing, and the costliness of it rises with its growth in a ratio that is almost geometric. It is not only the cost of books that increases, as the gleanings of old fields goes on, but elaborations of system in dealing with them—in disposing, marshalling, organizing them for their use—become increasingly necessary; more labor than is proportionate to the enlargement of the mass of books is involved, and the quality and expensiveness of the labor required is advancing continually in equal measure. In the ultimate stages of its growth, we cannot easily associate the idea of such a library with any less resources than those of a nation, or of a considerable state, or of the great corporations of learning which accumulate endowments for the purpose. It is possible that the spirit of a few wealthy cities may be cultivated so far as to sustain the undertaking perseveringly, and I am strong in the faith that Boston, for example, will never become willing to impair the magnificent proportions in which her great public library is being reared. But, speaking generally, I should say that the maintenance of a library which has no limit upon its aims as a collection of books must, sooner or later, arrive at a cost which civic treasuries and civic populations cannot be expected to bear. How far toward that point such libraries may be carried without overgrowing the interest and exhausting the liberality of the general public, it cannot be wise to ascertain very exactly by many experiments. The reaction sure to follow any wide-spread revolt of popular feeling against real or fancied extravagances in the public library policy, now so favored in many parts of this country and England, could not fail to be unfortunate. It may be foolish to anticipate such revolts; but I find it impossible, for my own part, not to distrust the large indefiniteness of the plan on which free popular libraries are being rather commonly projected and built up, and not to be apprehensive of the outcome from it.

Another result, in which the same fundamental error looks mis-

chievous to me, is the attitude of irresponsibility in public libraries which it tends to produce. Irresponsibility, I mean, as regards the nature, use, and influence of the literature brought together in them. Some feeling of irresponsibility in that respect follows naturally, almost necessarily, from the view of these libraries which I am making bold to criticise. A library that *is* to be what I have called a library of collection—a store, a repository, a safe treasury of books, for any use and all the uses to which books, as the records, confessions, and exhibitions of humanity, may be put—has no responsibility for its contents; and when from such libraries, which are the elder and traditional type, we carry over to the popular libraries of the present day the ideas of function and structure that we incline to carry, there is sure to be imported more or less of confused notions on this subject of responsibility. Therein lies, I suspect, the most important of all reasons for fixing a radical and definite distinction between libraries of these two classes. The single simple function of the one class is *collection and preservation*, which is a function purely passive. But the very different function of the other class of libraries is *diffusion*, which is a function of activity and responsibility. The prime purpose of their institution is to bring to bear upon the greatest possible number of people the profitable influences that are found in books. They are restricted by that object to no narrow range of literature. It takes in all that can be tributary to all that is excellent in faculty and character. It embraces the wholesome literature of imagination and emotion, no less than the literature of knowledge and of thought. The graces and harmonies of education, and the sweetenings and colorings of life, are comprehended equally with the ethics and the practical powers. There is no narrowness in the range, as I have said; but it has a well-marked bound. It is bounded by all the lines in literature which separate purity from grossness, art from rubbish, good from bad. It is so bounded by its purpose, which I think I have stated with precision when I say that the sole reason for the existence of a popular library is in the endeavor made through it to bring to bear upon the greatest possible number of people the profitable influences that are in books. It has no excuse for being except that; and it had no excuse for being if it cannot discriminate with some success between the profitable and the unprofitable quality of books, and between their historical and their educational worth.

Of course this involves a selective criticism, or a censorship of books, if one chooses to call it so, in the government of popular libraries; but what then? Is not the same kind of selective criticism—the same kind of discriminative judgment—the same censorial assumption—involved in all public services, from legislation down? To what public institution will it be denied? If a gallery of art is founded, for the finer teaching of the eyes of the people, and for kindling the light of the love of beauty in their souls, does any one claim place in it for the pictorial advertisements of the circus, or for the cuts of the *Police Gazette*, or for the popular sculpture of the cemeteries, on the ground that there is a public which finds pleasure in them? Yet something comparable with that demand is found in the quite common expectation that public libraries shall descend to certain levels of popular taste in literature which all cultivated taste condemns. It is naturally enough assumed that somewhere in the control of a public art-collection there shall be an instructed criticism at work, to distinguish, with what care and capability it can, the true productions of art from its vulgar counterfeits, and to set up certain standards of taste, which it is desirable to have urged upon the public for common recognition. It is only on that assumption that the usefulness of a South Kensington Museum, for example, is conceivable. Now, wherein are the considerations which bear upon the popularizing of literature and the teaching of books, by means of public libraries, different from those which bear upon the popularizing of art by public museums of painting, sculpture, or design? If they differ at all, it is by reason of the greater power and greater importance of the educating influence that is in books.

I am not thinking altogether of the question of fiction in public libraries, which has been so much discussed of late, though that, of course, takes the foremost place in every view of this subject. It is a question much discussed; but I should like to see the discussion carried to broader grounds than have generally been taken for it. Here is a form of literature that we have seen, almost in our generation, rise from a modest rank in the realm of letters to undisputed ascendancy. It has introduced a new Muse to our Olympus, and has throned her royally in the highest seat, where the crown and the sceptre, the honors and the powers of the pen, are alike given up to her. For my part, I am submissive to the revolution that has brought us under this new reign in literature;

I have no discontent with it. I recognize the modern Romance, or Novel, as the true heir and natural successor of the Epic and the Drama, which held anciently, in their turn, the regal place in literature. I look upon it as representing no mere literary fashion of the day, but distinctly a development in literary art, — the plastic shaping by organic growth, of a new, perfected form of epic and dramatic expression moulded in one; fitting itself to new conditions of general culture, with more versatile capabilities and powers. It is not alone approved by the suffrages of the multitude, it is preferred by the bards and “makers” themselves. More and more we can see that the dramatic genius of the age turns lovingly to this new form of art and expends itself upon it. If Shakespeare were living in these days, I doubt not, we should have more novels from his pen than plays.

At all events the chief power in literature for our generation belongs to the novel, and if we will broadly recognize and deal with it in that view, there is nothing lamentable in the fact. Let us freely concede to it the great domain it has won for itself on the art-skle of literature, and pay to it the respect we give to all art — no less, no more. We can hardly claim to have done that yet. There is something half disdainful, half shamed and apologetic, in the very homage conceded to this new-comer among the muses. Her devotees do not seem to be quite assured of her Olympian reputability, and find, perhaps, a little pleasure in the suspicion that she and Folly are near kin. So we all continue to speak of the realm of “light literature” — as though the literature that is weighted with the fruits of the genius of George Eliot, Thackeray, Hawthorne, Scott, De Foe, can justly be called “light.” The *lightness* which it has is the lightness of the spirit of art — the lightness which art takes from the up-bearing wings on which it is exalted, and whereby it has the power to transport us high and far and make us travellers beyond the swimming of ships or the rolling of wheels.

Whatever it may be that acts on men with that kind of power, is a factor in education as important as science or history. It is like the wine and sweetness of the fruits which are the wholesome peptic trifles of our bodily food, and it contributes quite as much as the strong meats of learning to a vigorous and symmetrical growth of human character. In the novel, these potencies of art are universalized more than in any preceding form; it brings a

larger mass of mankind within their range, to be quickened in spirit by them, and to be wrought upon by an inward leaven which human beings are sodden without. As a true product of art in literature, the novel seems to me to be a great instrument of education, in the large sense of the word—not for all men and women, perhaps, but for most, and especially for those whose lives are narrow and constrained. There are not many of us who do not owe to it some reaches and happy vistas of the intellectual landscape in which we live, and the compass of our thoughts, feelings, sympathies, tolerances, would shrink sadly if they were taken away. It is only a little region of actual things that we can include in our personal horizons—a few individual people, a few communities, a few groups and growths of society, a few places, a few situations and arrangements of circumstance, a few movements of events, that we can know and be familiar with by any intimacy and experience of our own. But how easily our neighborhoods and acquaintances are multiplied for us by the hospitable genius of the novelist! To be put in companionship with Caleb Garth and Adam Bede, with Col. Newcombe and Henry Esmond; to meet Mrs. Poyser and Mr. Weller; to visit in Barsestshire with Mr. Trollope, and loiter through Alsace with the Messrs. Erckmann and Chatrian; to look on Saxon England with the imagination of Kingsley, on Eighteenth-Century England with the sympathetic understanding of Thackeray, on Puritan Massachusetts with the clairvoyance of Hawthorne—how large and many-sided a life must be to embrace in its actualities so much of a ripening education as this!

But, if there is no other form in which the broadening influences of art can be exercised more powerfully than in the novel, there is no other form that lends itself to base counterfeiting so easily. And the vulgar product is vulgar beyond comparison with any other. More than vulgar; for the travesty of life which these romances of book-smithing exhibit, is mischievous in its whole effect. Every feeling that they act upon, every sentiment that they stimulate, every idea that they produce, is infected with the falsity that is in them. Neither virtue nor piety in the intention with which they are composed can better very much the evil influence they exert; for, though they may be clean of all other vice, there is licentiousness in their misrepresentations and depravity in their untruth. I see nothing, for my own part, but malarial un-

wholesomeness, breeding moral distempers and intellectual debility, in the trash of fiction with which the world is being flooded, whether it emanates from the "Satanic" or the Sunday-school press. I know of nothing among the mischiefs of the day that calls for more resistance, and I can discover no agency to be employed in resisting it more effectively or more responsibly than the public library.

But, practically, the libraries are making that resistance very slightly. I do not know that their right to exercise upon literature the criticism which discriminates art from rubbish is formally disclaimed or formally denied; but it seems to stand in doubt and to be exercised with hesitation, if at all. Perhaps the criticism demanded in this case is not clearly distinguished from the presuming and very different censorship that would inspect opinions and undertake to judge for the public between true and false teaching in religion, or politics, or social economy. But the two have no principle in common. They differ precisely as the insolence of sumptuary laws differs from the sound reasonableness of laws for the suppression of counterfeits and the preventing of adulterations. If there could be an institution for the purveying of food, or drugs, or any kind of material provision, which should stand in the same relation to the public that the public library sustains in the purveyance of literature, we would certainly deny its right to a jurisdiction over the demands of the people as regards the kinds and varieties of commodities to be supplied; but, just as certainly, we should hold it responsible for the *quality* of the things which it had been instituted to provide. We should reasonably require the institution to be so organized as to embrace within its management the capability to distinguish competent from incompetent work, and imitations from genuine products. That is precisely the kind of discrimination which I think should be exercised in public libraries with respect to this romance literature, which is worth so much as a product of literary art, and is so worthless if the touches of art are wanting in it. The question concerning it is almost purely a question of quality. Where a subtler question arises — a debatable question of taste, within the range of uncertain canons in which questions of taste are open — I would not ask to have it arbitrated in a public library. But the great mass of the trash of fiction is not touched by such questions. The discernment of its worthlessness depends on nothing but some

little familiar acquaintance with good literature, and on the sense of quality which that acquaintance will develop. There is a consensus of judgment against it among all men and women who possess enough experience of literature to qualify them for any criticism. If public libraries should do no more than administer those common verdicts of the literary world which are of indisputable authority and weight, they would sweep a mountain of rubbish from their shelves; they would command from the public at large a hearing for criticism which never can be otherwise secured, and they would be exercising in a most important particular the responsibility which belongs to them as educational institutions.

I am not saying that our public libraries do nothing in this direction, for I know that some are moving in the way proposed; but there seems to be much hesitancy in the movement and a want of positive principles to govern it. The safe rule under which I should like to see them placed, in the matter of their dealing with the flood of romance literature, is the rule of conservatism—of slowness—of waiting for the judgments and verdicts by which literary work is proved. They are not speculators in the book market; their interest in literature is not a commercial one, like Mudie's; they are instituted for a missionary purpose, and their business, as I have said, is to bring to bear upon the greatest number of people the profitable influences that are in books. Why should they be in haste to catch up the novelties of the romance press, like merchants eager for custom? Why should they not keep all this doubtful literature waiting at their doors until it has been weighed and pronounced upon, not by the public opinion of Tom, Dick, and Harry, and the school-girls, and the idle and the raw-minded mobs of readers, but by the instructed public opinion which is the court of last resort for all books, and which determines the ultimate fate of all.

I have not touched the question of morals as affecting this literature, because that is substantially included in the question of literary *quality*. In America and England (I say nothing of other countries) the literary taste which prevails and has authority is moral enough, because healthy enough, to be fairly trusted with the whole adjudication. I know of no vicious or unwholesome novel, poem, play, or other imaginative work belonging to contemporary literature, that has gained a literary standing in the

English-speaking world sufficient to commend it to a public library, if nothing but the view taken of it from literary stand-points is considered. Generally, I think, among the Teutonic races, the conception of art is essentially a moral conception — the conception of a fundamental purity — and the more highly the art-sense of these people is cultivated, the more clear-sighted it becomes as to the falsity in art of all moral falsity. And so I should feel safe in making it the rule for public libraries of the popular class, in their dealing with all contemporary books which belong to the art-side of literature, that they should freely admit whatever wins a good standing in the literary public opinion of the time, and that they should admit nothing until that standing is assured to it.

There is a large body of older literature which requires some different rule. It comes to us from coarse or corrupted periods of the past, when the ethics of literary art were slightly perceived, little felt. In some of it there are all the admirable qualities that imaginative literature, produced without moral sensitiveness, can have. It is vigorous, brilliant, graceful. It gained in its own day a literary standing which it could not win in ours; but we are disposed, and perhaps rightly enough, to let it stand at the original rating. Historically, as representative literature, it has great importance and interest to those who will use it in that character, as students of literature and history in the thorough-going sense. But I see no good purpose that it can serve in popular libraries and no reason for its having place in them. The drama of the Restoration, a great part of the more famous novels of the eighteenth century, with much of the older romance, are examples of what I mean. How many of our larger popular libraries are without these, and on what reasonable ground is acquaintance with them popularized at the present day?

Of the kindred literature from other languages that has been imported into the English by translation, I can only ask the same question with more emphasis.

I am already at the end of the time which my paper should fill in the discussions of this meeting, and what ranges of literature are left, in which nothing I have said will offer a hint of the bounds that I am asking to have set for our popular libraries! But I will not excuse myself dishonestly with the plea that time fails me for working the problem out. Rather let me confess with frankness that I do not know where to set the bounds, nor how. Perhaps it

is not a practicable thing to do. And yet I am sure the attempt should be made to mark out, in general literature, with some rough consistency, the provinces of the popular library, as distinguished from the library of research and history, or the museum of books. Not, I say again, to set narrow or parsimonious limitations upon them. It is no petty conception of the popular library that I have formed. For popular uses I want it as great as it can be made. Not for uses of common reading only, but for all uses. I should have looked but a little way into the influence of these libraries if I took account only of the set "reading" which they encourage and supply. They have a greater office than that. It is to induce among people the habit of following up the chance topics and questions in which their interest happens from time to time to be stirred by casual hints and circumstances. A school exercise, a newspaper paragraph, an allusion from the pulpit, a picture, a quotation, a play, will often supply an impulse that carries itself long and far into the intellectual life and growth of our library students, but which, without the existence of the public library, would come to nothing. By making it common and habitual, in some wide circle of people, to say on such occasions, "I will go to the library and pursue this matter," or "put this statement to the proof," or "learn more of these writings" or "of this man" — by making that habitual and common, I say, the public library brings into action more potent energies of education than can be organized in any college or school. And so, for its greatest efficiency, it needs to be largely, liberally equipped with resources for every kind of common investigation — for every kind of investigation, I mean, that is not elaborated in professional study, or special scientific research, or minute erudition. For all such special quests and profounder pursuits of learning I do not think that the popular library should undertake the providing of books, unless in circumstances that are exceptional. Because all the resources that it can command will seldom be too great for employment in its own great office, which is to *popularize* the profitable influence of books. Before everything else, it should have these two aims: First, to be abounding in its supply of good literature within the range of popular use. Second, to be perfect in arrangements for the exhibiting of its stores and making them accessible, and to be fertile and persistent in devices for winning students and for helping them with all encouraging aids. If the library is stinted anywhere, let

it not be in the better books for which there is most of a popular call. By all means, let the public call for what is good be met, freely, fully, aboundingly, as I have said, whatever else may suffer neglect. Better fifty copies of one book that will get so many readers, than fifty copies of various books which few will use. Nothing discourages the resort to public libraries so much as the experience of difficulty in obtaining the commoner books that are most in demand, and, liberal as many libraries are in multiplying their purchases of such books, I doubt if any among them are as liberal in that direction as they might wisely be. I am disposed to believe that a popular library should expend its means very grudgingly upon any wider acquisitions until it has so multiplied upon its shelves the few best books which are most in favor with general readers that it will seldom disappoint a call for one of them. I put that forward as the first claim upon its funds; and next to that I put the employment of adequate methods for exhibiting and advertising its books and their contents and character to the public. Classification, annotation, analysis, in catalogues and bulletins, with indexes, reference lists, helpful hand-books and bibliographical guides — these are objects of expenditure more important than the gathering of numerous books. A small, well-chosen library, in systematic order, opening every avenue to its contents that can be cleared and lighted up by judicious labor, inspiring, leading, and helping its studious readers by all the methods which the earnest library workers of this country are learning to employ, is a vastly more powerful agent of education than the greatest collection can be if the ambition to *have* books outruns in it the ambition to spread the influence of its books.

It is generally the fact, I believe, that both these ambitions are working together in the popular libraries of this country, and that they are more in conflict than it is well they should be. But the spirit of the time and the race is on the side of the wiser purpose, and it is wonderful to see with what contagion of zeal the diffusive work of our public libraries has been animated of late years. Great missionaries have arisen among us in the library calling, who have discovered the measureless capabilities of the field in which they labor, and who are leading and inspiring us all. It is because I honor so much the conscience that has been awakened in the work of our public libraries, and the power they are acquiring among the institutions of democracy, that I wish to see no waste in their energies.

III. THE RELIGION OF INDIA. THE BRAHMO SOMAJ.

On Wednesday afternoon, September 5, a special session was held to hear an address from Mr. Mozoomdar, of Calcutta, on these subjects. As reported, he spoke as follows :

LADIES AND GENTLEMEN : I have been asked to speak to you on " Religion in India." It is a large subject, and I cannot hope to do justice to it in the time at my disposal. When you think of Religion in India, you have to think of a great immeasurable historic past. A reform in religion must be constructed out of the elements contributed from many sources. We have, first, Hindu society, Hindu faith, Hindu philosophy. Then we have the monotheism of the Mohammedan. Again, we have the system preached by the unexampled man, Buddha. Then we have the great fact of Christianity around us. All these religions form a great square of influences through which Hinduism has to pass.

What is Hinduism? It is a deep appreciation and insight into nature. You have heard of the natural scenery of India, the mountains, the rivers, the great forests, in the midst of which the hermits and sages lived. Amid this scenery, the Hindu gained an insight into natural forces. He penetrated into the life and soul of the universe. When he awoke in the mysterious dawn, he saw in the twilight the form of a mysterious person, and he called that person God. When the luminary of the day arose, the sun conveyed to him strange suggestions of another power, an eternal effulgence, which he called God. When he looked on the blue skies, he invested them with divinity ; and thus, living in nature, the Hindu lives in God. Superficial observers have accused our fathers of nature-worship, of idolatry. When the sun was addressed as Thou, there was a sun within the sun that was addressed. When the heaven was addressed, the prophet spoke to the Lord of the heavens. They did not worship the forces as such ; but as representations of an invisible reality. Lights and shades and dawns and births and deaths, all presented to them a great fact behind, a soul behind all souls, Brama himself.

But Hinduism did not always mean an apostrophe to the forces of nature. The Vedas formed the first section of Hinduism ; there is another sphere. In this a deep appeal is made to the inward

esoteric force. The greatest Oriental scholars have taken more interest in the second department of Vedic religion than in the first. Here you find profound utterances on the relation of the soul to God. In India, when they contemplated the forces of Nature, they learned to forget all they saw and heard, and in Nature they beheld a Mind. It was a great unseen power speaking to the power within. They came to hold that all the universe was a delusion, "a tale that is told;" but that, in this delusive dream-land of the universe, the great truth was the *Soul*, the unseen transcendental Soul that presides over all. They left off the process of outward speaking; and mind spoke to soul, in the sacred books. You have here no materialism, but a transcendental insight in which the relation of God to man was both felt and described. The motto of the sacred books was, "One without a second."

Latterly, schools of philosophy sprang from this line of speculation, culminating in the "yoga" form. "Yoga" means *becoming one*. The "yoga" philosophy means that, while man was separate from God, he was in misery, sin, and death; but when by discipline, the soul of man became united with God, that was "yoga," that was the "atonement" of the Hindu religion. This was ancient Hindu philosophy. But is it possible that the great nation of Hindus, 255,000,000 in number, could grasp such a philosophy? No; and that is not the only form of Hinduism. This unity was found too abstruse. The herds of mankind could not climb up to its heights. A popular religion was needed. This was secured through emotion, through sympathy, through fancy. All these were employed to paint another picture for the religion of the poor.

In another sacred book, Krishna instructs a disciple in the rational religion. This form of Hinduism includes the great doctrine of Incarnation, and the performance of acts which draw the imagination and affection of man. The devotees of this form of religion are very tender-hearted, they often burst into tears. No religion can hope to make any headway among the Hindus, which does not appeal to the tenderness in their hearts.

Here you have then, God in Nature, God in human mind, God in Incarnation.

The Brahmins thought more of the ceremonies than of the souls of the people. Sakya-mooni (or Buddh) meditated on this condition of things. He preached purity and humanity; he gained disciples; he threatened destruction to Brahminism; but in time

Brahminism asserted itself, and Buddhism was excluded from the land. Then came Mohammedanism with the Semitic idea of the one God. But the Semitic idea of God is unlike the Aryan conception, in essence and attributes. The Mohammedan conceived of God, as a vast, mighty *man*, with fidelity, truth, mercy, all that goes to make up a man. The Aryan thought of God as a formless life, an all-pervading presence, as the eternal, all-kindling consciousness,—all force, all life, all phenomena merged in an incomprehensible Being, neither aught nor naught, neither in space nor beyond space. The Mohammedan said: "This is no God; this is Pantheism," and this foolish talk of Pantheism has been repeated down to this time. When a man worships the world as God, when he thinks himself God, he commits a sin and a folly. But when a man thinks God to be like man, attributing to God all of man's weaknesses, he also commits a fatal blunder.

All these beliefs come together on Indian soil; and now Christianity comes from the West, and re-appears in the land of the rising sun, bringing with it God, and the Son of God,—God and humanity. Mellowed by the sunlight of many years, Christianity comes to us and sets before us new ideals.

Such are the resources out of which religious reformation has to be constructed in India. And we, degenerate men, find ourselves charged with the work of effecting a reconstruction. But there is a presiding Being that from small beginnings can bring great things to pass. In the Brahmo Somaj, we have felt for sixty-five years the hand of this superintending Providence. We feel that ideals come crowding from the East and from the West. Prophets and torch-bearers invite us toward the central light. We feel that all these resources need to be reconstructed. In 1825, Ram Mohun Roy translated the precepts of Jesus; he associated with Christians and with missionaries. One-half of his nature was Christian and one-half Hindoo. In the worship which he conducted, when the sacred precepts were read, the common people were requested to retire. Ram Mohun Roy has been claimed by the Brahmins, by the Mohammedans and by the Unitarian Christians. Such was the breadth of his sympathy.

We hear the great prophets and the great singers as they speak to us. We never held that Mohammed was an impostor. We do not sift the claims of men of genius; we welcome all alike. How then do we think of Christ? Is he only one among many

prophets and saints? No; Christ stands unique, unexampled, unapproached, unapproachable. We never believed that He was the Almighty God; that, we believe, is superstition; we believe that he brought divinity down to the earth.

We mean to combine all of these lights, to bring all unto a glorious synthesis. Your scholars study comparative religion, and find in every religion something worthy of admiration. And what you do, we do also, in our own manner.

If mankind is to be united once more, if the kingdom of God is to come, the fragments of truth must be gathered from all nations and religions, and when each prophet shall have his due, some hope there is for the great brotherhood in which all shall be united, and God shall be our Father. In former times, the names of the prophets have been battle-cries. If men were to have their way, should we not see men once more killing each other in the name of the merciful Father?

The great object of the Brahmo Somaj is by prayer and holiness to add truth to truth. As many oceans flow into one, and as many atmospheres mingle in the pure heaven,—as the sun goes from the East to the West and returns from the West to the East,—thus shall glory be unto God, good-will to men and peace upon earth. Such is the hope of the Brahmo Somaj of India.

IV. NEW METHODS OF STUDY IN HISTORY.

BY HERBERT B. ADAMS, PH. D.

(Read September 4, 1883.)

The methods of historical study which are to be described in this paper may be specified as the Topical method, the Comparative method, the Coöperative method, and the Seminary or Laboratory method.

1. THE TOPICAL METHOD.

A story is told of the introduction of biology to a class in an American college by a young professor, who, when asked by the college president if he did not intend to begin his class-work with a study of great principles, replied "No, we shall begin with a bushel of clams." If there is any guiding principle in the study of historical as well as of natural science, it is "The way to that which is general is through that which is special." For beginners in history concrete facts are quite as essential as clams or earthworms for beginners in biology. It makes little difference with what class of facts the student begins, provided they are not too complex for easy apprehension. A child may find historical culture in Bible stories, in Aryan mythology, in the Arabian Nights, in the legends of the middle ages, in the Boy's Froissart, or in the travels and adventures of Captain John Smith. Children of a larger growth may find as much profit in studying incidents of ancient as incidents of modern history. As far as mere culture is concerned, old Rome may be as suggestive as modern England. Ancient Egypt has its parallel in modern China. Democracy in Europe is fully as interesting as democracy in America. The point is that universal history may be approached in a great variety of special ways, any one of which may be as good as another. They are like the Brahminical philosopher's idea of different religious revelations, — gates leading into the same city. All roads lead to Rome, and all roads lead to history.

But while this general truth remains, that a student may approach history from any standpoint he may choose to take, whether in the ancient or in the modern world, at the beginning or at the end of historic time, it also remains true that there is a certain practical advantage in beginning historical study with that which is nearest and most familiar. A man's own family, com-

munity, country, and race are the most natural objects of historical interest, because man is born into such associations and because an historical knowledge of them will always be the most valuable form of historical culture, for these subjects most concern our own life, our past, present, and future. In history, as in biology, live specimens are usually better than dead ones. As a live dog is better than a dead lion, so historical subjects which possess vitality or continuity of interest from age to age, are the fittest for historical study. Some characters and scenes of history are of fresh and perennial interest although belonging to ages now remote. Other topics seem to have no enduring life, and, like dead specimens of zoölogy, are relegated to antiquarian museums. *Life* is of supreme interest to history, as it is to biology; hence those nations and men that have made the present what it is will always be the best topics for historical study.

The field of history is so vast, it is cumbered with so many ruins and dead men's bones, that it is almost impossible to range over the whole tract, and to identify all the past. There are some things which interest us and some which do not. It is better to rescue a few topics of living interest than to waste time and strength upon a dead past which buries itself. Accordingly, in teaching or studying any given section of history, whether ancient or modern, American or Assyrian, English or Egyptian, German or Greek, Russian or Roman, it would be well for the teacher or student to hold to living issues, to topics of surviving or of lasting interest. It is not worth while, for example, for most students to learn all the names of Assyrian and Egyptian kings, and how long each dynasty reigned. On the other hand, enduring geographical facts which have supported kingdoms in Mesopotamia and in the Nile valley during all ages of the world, are of lasting significance. The agriculture, industries, art, science, literature, religion and social culture of these countries will always be of interest to most minds, for these things have entered into the life of the race. The ways and means by which modern science began to find out these early civilizations is almost as interesting as the facts that were discovered. A knowledge of the modern literature concerning ancient Egypt or Assyria is perhaps of even more value to students than a general knowledge of Egyptian chronology.

I should be inclined to recommend, in beginning the study of history by any special method of approach, like the history of

America or the history of Egypt, that teacher and class begin work upon the geography of the United States or of the Nile valley. The pupil should be referred to his atlas, and the teacher should show his pupil how to draw an outline map of the country under consideration, how to lecture in an off-hand way, upon the coastline, mountain-ranges, river-valleys, climate, and other physical characteristics of the land; in short, the enduring natural influences which would affect the people inhabiting this chosen land. Show him where they would settle if they followed the guidance of geography and climate. Such a topic as physical geography, thus viewed in its specific application to a given country, might profitably occupy several class exercises. Then, after a thorough consideration of the lay of the land, comes naturally the topic of the people, the first inhabitants. Were they aborigines, if not, where did they come from as colonists? This question of the origin and connection of races, even if cursorily treated, introduces a class at once to one of the greatest topics in universal history, namely, ethnology. Whether viewed in ancient or modern ways, the subject of the origin and dispersion of races must always remain one of the most fruitful and instructive themes.

After the topics of a chosen land and of a chosen people, should come the subject of the sources of that people's history. What memorials of themselves have the primitive inhabitants of America or of Egypt left behind them? Here is an opportunity, whether in the case of ancient America or of ancient Egypt,* for considering the subject of the Stone Age, the first relics of human industry and of the oldest monuments of our race. Whether the illustration be Indian arrow heads or sharp Ethiopian stones, the mounds of the Great West or the pyramids of Egypt, a class of bright students will easily become interested, if not enthusiastic, provided the slightest care is taken to present them with illustrative material in the shape of Stone Age relics, real or pictorial. Egyptian hieroglyphics and Indian picture writing would serve the same great purpose of explaining the origin of alphabets and literatures. The special and the concrete are thus transformed into the universal and the philosophic, and that too in the mind of a child. *Univer-*

* The idea of Brugsch that "Egypt throws scorn upon the assumed periods of the three ages of stone, of bronze, and of iron," finds striking refutation in Prof. Henry W. Hayne's "Discovery of Palaeolithic Implements in Upper Egypt." *Memoirs of the American Academy of Science*, vol. x.

salia in rebus. A picture of the Rosetta Stone or a story of Indian myths brings different languages and religions into some kind of coördination, and even in the study of a single people the history of the world begins to be the history of our common humanity. The religious ideas, the manners and customs of both Indians and Egyptians are among the very best sources of universal history, and no teacher or student can afford to neglect such topics. Under the head of the sources of American or of Egyptian history a great variety of special topics will suggest themselves as class-work advances, and as individual interest kindles for concrete realities.

So varied and so deep becomes the interest in topical history that no manual or mere sketch is sufficient to satisfy the demands of a quick and eager class. Original sources and standard authorities are seen to be fresher, purer, and stronger than the tiny rill of school-book literature which rarely flows from the real fountain-head, but from standing reservoirs of derived knowledge. It is of great importance in the pedagogical process of teaching history, that the student should learn the origin of written history, how manuals and standard histories are constructed; otherwise, the student will look upon the book or manual as a final authority. He should, on the contrary, look at all written history as simply a current, more or less colored by human prejudice, a current which has come down, like the Nile or the Mississippi, from some higher and more original source than the passing stream. Such a consciousness leads the student to further inquiry, to a habit of mind like that of explorers who sought the sources of the Nile or of the Congo. To develop this enquiring habit in pupils is an easy matter, but it is not always so easy to gratify awakened curiosity. Pupils should, however, be taught to find out things for themselves and not to despise the teacher or an author, if he does not profess to know everything that can be discovered. The sooner pupils and teacher consent to work together, the better it will be for both.

American teachers are beginning to introduce their pupils to American history in special ways. In Boston, during the summer vacation of 1883, a course of lectures for young people was given in the Old South Church by a number of specialists, encouraged by Mrs. Augustus Hemenway, upon such common-place topics as History in the Boston Streets, Franklin the Boston Boy, Samuel Adams the Man of the Town Meeting, Concord, Plymouth, and Governor Bradford. In connection with each lecture was pub-

lished a miniature historical journal called "Old South Leaflets," containing short extracts from original sources of New England History; for example, an extract from Bradford's History of Plymouth Plantation, describing the preliminary arrival of the Pilgrim Fathers in Cape Cod Harbor, before their landing upon Plymouth Rock. In connection with the lecture on Concord, given by Mr. F. B. Sanborn, was printed an extract from Ralph Waldo Emerson's Discourse on the Second Centennial Anniversary of the Incorporation of the Town, together with that famous Concord hymn written by the poet-sage, where

"once the embattled farmers stood,
And fired the shot heard round the world."

To accompany the lecture on Town Meeting, by Professor James K. Hosmer, extracts were printed from Jefferson and De Tocqueville, and from the revolutionary correspondence of the famous committees of safety which evolved from those popular assemblies under the guidance of men like Samuel Adams, the Man of the Town Meeting. Such topical lectures explain how the American Revolution was kindled. These are good illustrations of the topical method of introducing pupils not only to New England history, but to the history of our common country. One cannot help believing that the Old South Church* proved a better school-house and a more suggestive school-book during a summer vacation than many which bear the name, year in and year out.

It is undoubtedly the most profitable course for American Common Schools and High Schools to approach the study of history, as they usually do, from an American standpoint, from which the field of vision widens gradually over English and French history. But it is possible, in many instances, to make American history more interesting and more suggestive by improving the local environment, by opening fresh vistas with widening outlook from the local vantage ground of State, County, Town, and Village. The American standpoint will afford broader views and more local coloring by special methods of observation.

One of the best illustrations of the topical method as applied to the study of American history is the class-work of Professor Moses

*A further development of the lecture system in the Old South Church was a course of twelve special lectures by Mr. John Fiske, upon the American Revolution, from "The First Misunderstanding," 1761-'67 — until constitutional order evolved out of chaos, 1787-'89.

Coit Tyler, at Cornell University, and of Dr. Albert B. Hart, at Harvard University. Cornell is the first American institution which has made American history a distinct specialty, by the establishment of a full professorship, devoted entirely to this department. President White, in his recent report (1883), says: "In no part of the world today is there so complete a course in American history, either in extent or equipment,[†] as can be found here."

2.—THE COMPARATIVE METHOD.

A great impulse was given to the historical sciences by the introduction of the comparative method into the study of philology, mythology, religion, law, and institutions. It seemed as though the horizon of all these fields suddenly widened, and as if the world of human thought and research were expanding into new realms. Through comparative philology the kinship of the Indo-European family of nations was made known to History, and upon the basis of this one great fact, comparative mythology, comparative religion, comparative jurisprudence and comparative politics have been raised into independent sciences. Perhaps the grandest result of the comparative method, while broadening the areas of human knowledge was the breaking down of that middle wall of partition between nations once thought to be widely different in language, religion, law and government. The ancient and the modern world were brought together. It was seen that Medes and Persians, Greeks and Romans, Kelts, Teutons, and Slaves are all of one common Aryan stock. "Before the great discoveries of modern science," says Freeman, "before that greatest of all its discoveries which has revealed to us the unity of Aryan speech, of Aryan religion, and Aryan political life, the worn out superstitions about 'ancient' and 'modern' ought to pass by like the spectres

[†] The equipment of Cornell University for the study of American history is illustrated by the Sparks and May Collections, and by an appropriation from the Trustees, of "over \$5,000 during the past year [1883] to special purchases of books in the department of American history." One of the Faculty "has deposited for the use of the students, a large collection of works relating to the most recent period in our history, especially the time of the Civil War. The Executive Committee have also fitted up a commodious lecture-room and a special library for the use of students in this department, and have added to its other equipment a very complete collection of maps." [Extracts from President White's Annual Report, 1883.]

of darkness. . . . The range of our political vision becomes wider when the application of the comparative method sets before us the *ekklesia* of Athens, the *comitia* of Rome, as institutions, not merely analogous, but absolutely the same thing, parts of the same common Aryan heritage, as the ancient assemblies of our own land. We carry on the tale as we see that it is out of those assemblies that our modern parliaments, our modern courts of justice, our modern public gatherings of every kind, have grown." (On the Study of History, *Fortnightly Review*, March 1, 1881.)

It would be a fine thing for American students if, in studying special topics in the history of their own country, they would occasionally compare the phases of historic truth here discovered with similar phases of discovery elsewhere; if, for example, the colonial beginnings of North America should be compared with Aryan migrations westward into Greece and Italy, or again with the colonial systems of Greece and of the Roman Empire, or of the English Empire today, which is continuing in South Africa and Australia and in Monitoba, the same old spirit of enterprise which colonized the atlantic seaboard of North America. It would interest young minds to have parallels drawn between English colonies, Grecian commonwealths, Roman provinces, the United Cantons of Switzerland, and the United States of Holland. To be sure, these various topics would require considerable study on the part of teacher and pupil, but the fathers of the American constitution, Madison, Hamilton, and others, went over such ground in preparing the platform of our present federal government. American sons can follow their fathers, although with unequal steps. Why should not American youth learn, as did the founders of our government, that there have been such things as confederations and unions, as constitutions and states rights, as checks and balances, in other countries and in former ages of the world? In such ways American history might become less provincial and more universal.

The prosecution of the comparative method in the study of history requires an increase of facilities beyond the meagre text-books now in use. While by no means advocating the abolition of all manuals, chronologies, and general sketches of history, I would strongly urge the establishment of class-libraries for historical reference. This special practice would be quite in harmony with the growing custom of equipping public schools with special libraries. It is a practice which the interest of publishers and the good sense

of all friends of education would tend to foster. In some cases, where pupils are well advanced, they can take the matter of supplying a special library into their own hands, under the direction of a teacher. At Smith College, Northampton, Massachusetts, the various classes, for several years in succession, instead of buying text-books in history, contributed the money which text-books would have cost, into individual class funds, with which a great variety of standard authorities and original sources of information were procured, covering the historical period the class was to study as no manuals could have done. Each class-library was kept under the control of a class-committee, who saw to it that the books were so distributed as to carry out the plans of the teacher for class-work and individual investigation. Special topics were assigned, which required reading in a variety of authors, a chapter here, a few pages there, a paragraph elsewhere. By careful management on the part of the teacher and by cordial coöperation on the part of the class, a few good books of reference may become a circulating library of remarkable efficiency. The larger the class, the larger the library that can be afforded, and the greater the potential volume of class-knowledge thereby secured; but in smaller classes it is of course easier for the teacher to coördinate labor and its results. The preparation of essays on special themes, based upon the comparative method of study; oral examinations of the class upon general topics which have been prepared from different sources of information; the occasional inspection of note-books, the keeping of which should be required in connection with class-reading; written examinations on general topics, lectures, and certain optional subjects afford sufficient scope for the teacher's judgment as to the progress of his class by the comparative method.

At Smith College, Harvard College, and at the Johns Hopkins University, the comparative method of study in History and other subjects has long been in operation. In Cambridge and in Baltimore, certain books are reserved from the main library of the university for class use. In Baltimore, such reservations are occasionally supplemented by drafts on other libraries in the city and by private contributions. The books are read in the university reading room, but are taken out by special arrangement, for a limited time, when there is no other demand. In Baltimore, among undergraduates, the comparative method of historical study

is confined chiefly to the use of standard histories, with here and there an original source of information to give the spice of originality to student-research. The general theory is that undergraduates need training in good historical form, quite as much as in historical substance; that the influence of great masters like Curtius and Gibbon, Sismondi and Guizot, Hallam, Stubbs, Freeman, Green, Motley, and Bancroft, are of as great consequence as the facts they teach. The mere acquaintance with historical literature which a student acquires by the comparative method is likely to prove a greater value and stimulus to him in after life than any amount of text-book culture, of mere verbiage. Moreover, by the comparative method in the use of standard historians, students learn by a secondary process the same habits of reflection and individual judgment which they must afterwards apply and develop in the primary process of constructing history from original sources.

Good illustrations of the comparative method in historical study are the courses at Harvard College, given by Professor Torrey, aided by Dr. Edward Channing, in diplomatic history, international law, and modern constitutions. While certain approved text-books are used for the guidance of the class, comparative reading upon special topics is pursued by individual students. All the authorities recommended upon a given subject are placed among the books reserved for these courses. Similar methods are pursued by Professor Macvane in his excellent class-courses on European history and on the constitutional history of England.

3.—THE COÖPERATIVE METHOD.

It is not possible, within the limits of this paper, to describe the development of that new system of writing history, which is based upon the economic principles of division of labor and final coöperation. The time was when individual historians, monks and chroniclers, grappled boldly with the history of the whole world. There are still compilers of text-books for schools and colleges who attempt to epitomize the deeds of men from creation down to the present day. Indeed, the greatest of living historians, Leopold von Ranke, is now rapidly reviewing universal history in a work which already embraces several volumes and which he hopes to finish soon, being now at the age of eighty-eight, so that he may resume more special work. But, in spite of this extra-

ordinary example, which seems to defy the weakness of age and the will of fate, it may be said with confidence that the day of universal histories by individual men is past. The day for the special and coöperative treatment of history by countries, epochs, and monographic themes is already here. We see a coöperative tendency in the best school-books. The history even of a single nation is now recognized as too vast a thing for one man to handle in a truly scientific manner, although special results of individual research are still coördinated in popular ways. The most notable example of the coöperative method in universal history is the new monographic history of the world, edited by Professor Wilhelm Oncken, but composed by the most eminent specialists in Germany. One man writes the history of Egypt in the light of modern research, another that of Persia; a third reviews the history of Greece, giving the latest results of Grecian archæological investigations; others revise Roman history and the early history of Germanic peoples.

This coöperative method has lately been applied in Schönberg's great work on political economy, and was applied many years ago to a dictionary of political science by the late Dr. J. C. Bluntschli, of Heidelberg. Under his editorial guidance contributions were made by French and German specialists to a great variety of subjects relating to European history and politics. Bluntschli's example has been followed in this country by the publication of Lalor's Cyclopædia of Political Science, Political Economy, and of the Political History of the United States. In America, the coöperative method of writing history has long been in quiet operation. Perhaps one of the earliest and most fruitful examples was that of the Massachusetts Historical Society, which, in the latter part of the last century, began to encourage the writing of New England town history upon principles of local coöperation. The contributions of parish ministers and local antiquaries were published in the proceedings of the society, and proved the humble beginnings of that remarkable series of town histories, which have now specialized the constitution of New England into a vast number of village republics, each one thought worthy of independent treatment. Coöperation has entered even the local domain, *e. g.*, the history of Boston, after passing through various individual hands, has lately been rewritten by a group of specialists, working under the editorial direction of Professor Justin Winsor, of Harvard

College. This method is now proposed in Providence and other cities. It has been extended by Justin Winsor to the whole country; for the Narrative and Critical History of the United States, which he is now editing, is made up of monographs by the best specialists that the country affords.

This method of coöperative class-work in Political Economy is pursued with great success by Professor Henry C. Adams, at Cornell and Michigan Universities. The students prepare papers or reports on special themes connected with the regular work. The professor himself gives systematic courses of class-lectures, elementary and advanced. The elementary course, to be given this year (1884) at Cornell, will consider the history and development of economic thought since 1550, the basis of political economy, production, exchange and distribution. The advanced course will be upon practical economic problems of the present time, among which will be the questions of free trade and the tariff. Professor Adams accepts very largely the views of the English economists on the tariff question. He will consider the analysis of international trade as compared with domestic trade, for the purpose of determining whether the principles which regulate the one apply, without modification, to the other. He will consider also the theory of protection, the theory of free trade, reciprocity, protection in its relation to public revenue, tariff legislation in the United States, the order in which modifications in the existing tariff should be undertaken, and the rapidity with which the country may, without disaster, be brought to the realization of its just policy. Professor Adams first proposes to state the problem of the tariff on both sides, then ask the student to study the various industries in the country to determine how far they are self-supporting and what ones need protection, finishing with a few lectures on the history of the tariff in the United States. At Michigan University Dr. Adams has conducted similar courses and, in his Financial Seminary, has encouraged coöperative studies among his pupils, particularly in writing the History of American Taxation.

AMERICAN HISTORY.

The same method is pursued in the study of American History by graduate students, who coöperate with their instructor in surveying the colonial and constitutional fields. On this home-

ground, student-lectures, based upon an examination of existing authorities and certain original materials, lead gradually to independent investigations and thus to scientific contributions to the Seminary, if not to the University Studies in Historical and Political Science. Without quoting, in this connection, the topics in American Institutional and Colonial History, lately pursued by a class of graduate students at the Johns Hopkins University, I would call attention to the new departure* recently made at Harvard University, in the coöperative study of American Constitutional History by a class of undergraduate students (Sophomores and Juniors) under the direction of Dr. Albert B. Hart, a former pupil of Von Holst's at the University of Freiberg, where Mr. Hart lately took his degree as doctor of philosophy.

During the present academic year at Harvard University, the instructor has given his class a systematic course of lectures upon the outlines of American Constitutional History. A syllabus or analysis of this course, together with a list of authorities and an elaborate system of references, was prepared by Dr. Hart and was printed by the class at its own expense. The lectures considered such preliminary conceptions as History, definitions of a Constitution and characteristics of a State; the Constitution of England at the outbreak of the Revolution; Institutions of the United States derived from England; the Colonists, their government and relations with England, early schemes for a Union of the Colonists; Colonial Union; Independence; formation of the Confederation; conflicts of the Confederation with the States; weakness of the States; proposed amendments of the articles of Confederation; the Constitutional Union; scope of the Constitution; origin and nature of the Constitution; organization of the Government; early Constitutional questions; Acts putting into

*This new departure was quickened by earlier efforts. The success of Dr. Freeman Snow's course, in 1882-83, on the Constitutional and Political History of the United States, was very remarkable in point of attendance. There were 163 who followed the lectures, including 1 graduate, 85 seniors, 62 juniors, 8 sophomores, 6 specials, and 1 scientific. The character of the course was of a high order, if one may judge from the published "Guide to the study of the Constitutional and Political History of the United States," (Cambridge, W. H. Wheeler, 1882-3) which was intended as the basis of the lectures and for the encouragement of private study. This outline of the United States Constitutional History with historical references is among the most serviceable yet prepared.

effect clauses of the Constitution ; questions relating to the States ; Constitutional questions of national policy ; Washington's first Administration ; foreign relations with France and England ; the Whiskey Rebellion ; the Jay treaty ; Legislation ; Relations with Spain ; Alien and Sedition Acts ; Virginia and Kentucky Resolutions ; the Supreme Arbiter ; Interposition as a remedy for Usurpation ; fall of the Federal party ; policy of the Republican party ; the Public Lands ; the Louisiana annexation.

4.—THE SEMINARY METHOD.

The *Seminarium*, like the college and the university, is of ecclesiastical origin. Historically speaking, the seminary was a nursery of theology and a training-school for seminary priests. The modern theological seminary has evolved from the mediæval institution, and modern seminary-students, whether at school or at the university, are only modifications of the earlier types. The Church herself early began the process of differentiating the ecclesiastical seminary for the purposes of secular education. Preachers became teachers, and the propaganda of religion prepared the way for the propaganda of science. The seminary method of modern universities is merely the development of the old scholastic method of advancing philosophical inquiry by the defence of original theses. The seminary is still a training-school for doctors of philosophy ; but it has evolved from a nursery of dogma into a laboratory of scientific truth.

A young American, Professor of Greek at Dartmouth College, John Henry Wright, in an admirable address on the Place of Original Research in College Education, explains very clearly the transitional process from the theological seminary to the scientific seminary. "The seminaries were instituted that theological students, who expected to teach on the way to their profession, might receive special pedagogical training in the subjects in which they would be called upon to give instruction in the schools. As the subject-matter of liberal instruction was mainly the languages and literatures of Greece and Rome, the seminaries became philological in character. The first seminary that actually assumed the designation of philological was that founded at Göttingen in 1733, by Gesner the famous Latinist. This seminary has been, in many respects, the model for all later ones."*

*An address on The Place of Original Research in College Education, by

The transformation of the *Seminarium* into a laboratory of science was first accomplished more than fifty years ago by Germany's greatest historian, Leopold van Ranke. He was born in the year 1795, and has been Professor of History at the University of Berlin since 1825. There, about 1830, he instituted those practical exercises in historical investigation (*exercitationes historicae*) which developed a new school of historians. Such men as Waitz, Giesebrecht, Wattenbach, Von Sybel, Adolph Schmidt, and Duncker owe their methods to this father of historical science. Through the influence of these scholars, the historical seminary has been extended throughout all the universities in Germany, and even to institutions beyond German borders. Let us consider a few seminary types.

HEIDELBERG SEMINARIES.

At the university of Heidelberg, as elsewhere in Germany, there are seminaries for advanced training in various departments of learning, chiefly, however, in philology and in other historical sciences. The philological seminary, where the use of the Latin language for formal discussion is still maintained at some universities, is perhaps the connecting link between mediæval and modern methods of scholastic training. In the Greek seminary of the late Professor Koechly, at Heidelberg, the training was preëminently pedagogical. The members of the seminary took turns in occupying the Professor's chair for one philological meeting, and in expounding a classical author by translation and comment. After one man had thus made trial of his abilities as an instructor, all the other members took turns in criticising his performance, the Professor judging the critics and saying what had been left unsaid.

In the historical seminary of Professor Erdmannsdoerffer, the method was somewhat different. It was less formal and less pedagogical. Instead of meeting as a class in one of the university lecture-rooms, the historical seminary, composed of only six men,

John Henry Wright, Associate Professor of Greek in Dartmouth College, read before the National Educational Association, Department of Higher Instruction, July 14, 1882, Saratoga, N. Y. From the *Transactions*, 1882. This address, and Prof. E. Emerton's recent contribution on "The Historical Seminary in American Teaching," to Dr. G. Stanley Hall's volume on *Methods of Teaching and Studying History*, are the best American authorities on the Seminary Method.

met once a week in a familiar way at the Professor's own house, in his private study. The evening's exercise of two hours consisted in the critical exposition of the Latin text of a mediæval historian, the *Gesta Frederici Imperatoris*, by Otto, Bishop of Freising, who is the chief original authority upon the life and times of Frederic Barbarossa. As in the Greek seminary, so here, members took turns in conducting the exercises, which, however, had less regard for pedagogical method than for historical substance. Each man had before him a copy of the octavo edition of Bishop Otto's text, and the conductor of the seminary translated it into German, with a running comment upon the subject matter, which he criticised or explained in the light of parallel citations from other authors belonging to Bishop Otto's time, who are to be found in the folio edition of Pertz's *Monumenta Germaniæ Historica*.

From this method of conducting the seminary, it would appear as though one man had all the work to do for a single evening, and then could idly listen to the others until his own turn came once more. But it was not so. Subjects of discussion and for special inquiry arose at every meeting, and the Professor often assigned such subjects to the individuals most interested, for investigation and report. For example, he once gave to an American student the subject of Arnold of Brescia, the Italian reformer of the twelfth century, who was burnt to death in Rome in 1155, having been delivered up to the pope by Frederic Barbarossa. The investigation of the authorities upon the life-work of this remarkable reformer, the precursor of Savonarola and of Luther, occupied the student for many weeks. On another occasion, Seminary discussion turned upon the origin of the Italian Communes, whether they were of Roman or of Germanic origin. An American student, who had been reading Guizot's view upon the origin of municipal liberty, ventured to support the Roman theory. The Professor referred the young man to Carl Hegel's work on the Constitution of Italian Cities and to the writings of Von Maurer. That line of investigation has occupied the American student ever since 1876, and the present work of the historical seminary at the Johns Hopkins University is to some extent the outgrowth of the germ brought to Baltimore from the Heidelberg seminary.

BLUNTSCHLI'S SEMINARY.

As an illustration of seminary-work, relating more especially to modern history and modern politics, may be mentioned the private class conducted for two hours each week in one of the university rooms by the late Dr. J. C. Bluntschli, professor of constitutional and international law at Heidelberg. In his seminary, the exercises were in what might be called the comparative constitutional history of modern European states, with special reference to the rise of Prussia and of the new German empire. Bluntschli himself always conducted the meetings of the seminary. Introductory to its special work he gave a short course of lectures upon the history of absolute government in Prussia and upon the influence of French and English constitutional reforms upon Belgium and Germany. He then caused the seminary to compare in detail the Belgian constitution of 1830 with the Prussian constitution of 1850. Each member of the seminary had before him the printed texts, which were read and compared, while Bluntschli commented upon points of constitutional law that were suggested by the texts or proposed by the class. After some weeks' discussion of the general principles of constitutional government, the seminary, under Bluntschli's skilful guidance, entered upon a special and individual study of the relations between church and state, in the various countries of Europe, but with particular reference to Belgium and Prussia, which at that time were much disturbed by conflicts between the civil and the ecclesiastical power. Individual members of the seminary reported the results of their investigations, and interesting discussions always followed. The result of this seminary work was an elaborate monograph by Bluntschli himself upon the legal responsibility of the Pope, a tractate which the Ultramontane party thought inspired by Bismarck, but which really emanated from coöperative studies by master and pupils in the Heidelberg seminary.

SEMINARY OF POLITICAL ECONOMY.

At Heidelberg a seminary in political economy is conducted by Professor Knies, who may be called the founder of the historical method as applied to this department. His work on *Politische-oekonomie vom Standpunkt der geschichtlichen Methode* was published in 1853, and ante-dates the great work of Roscher by one year. The seminary method encouraged by Knies consists chiefly

in the reading and discussion of original papers by his pupils upon assigned topics. The latter were sometimes of a theoretical but quite frequently of an historical character. I remember that such topics as Turgot's economic doctrines were often discussed. The various theories of wealth, from the French mercantilists and physiocrats down to Henry C. Carey, were examined. The meetings of the seminary were held every week and were not only of the greatest service in point of positive instruction, but also, in every way, of a pleasant, enjoyable character. Men learned to know one another as well as their professor. A most valuable feature of the seminaries in political science at Heidelberg was a special library, quite distinct from the main university library. Duplicate copies of the books that were in greatest demand were at the service of the seminary.

THE HISTORICAL SEMINARY AT BONN.*

The object of this seminary, as of all German historical seminaries, is to introduce special students to the best methods of original research. The Bonn seminary is one of the most flourishing in all Germany. It is an endowed institution. It was instituted in the year 1865, and enjoys the income of a legacy of forty thousand marks left it by Professor Wilhelm Pütz. The income is devoted to three stipends, each of about 600 marks, for students of history and geography who have successfully pursued one or both of these sciences for two years. Said stipends are awarded annually by the philosophical faculty upon recommendation by the director of the seminary. It is said that a student of Bonn university has a better chance of obtaining such stipend than does a candidate from outside. In addition to this endowment of ten thousand dollars, the Bonn seminary of history is allowed a special appropriation, in the annual university budget, for general expenses, for increasing the seminary library, and for the director's extra salary. Any unused balance from the fund devoted to general expenses is expended for library purposes.

The historical seminary of Bonn has now four sections, each under the guidance of a professor, representing a special field of history. The four professors constitute a board of control for

* See *L'Université de Bonn et l'enseignement supérieur en Allemagne*, par Edmond Dreyfus-Brisac (editor of the *Revue internationale de l'enseignement*), "Les Séminaires."

the entire seminary. The director is appointed from year to year, the four professors rotating in the executive office. The student membership for each section is restricted to twelve. The meetings occur once a week, from five to seven o'clock in the evening. All members are expected to be present, although no individual student makes more than one contribution during a semester. Members are subject to expulsion by the board of control for failure to discharge any obligations, for inadequate work, or for misuse of the library.

The library consisted, in 1879, of 308 works, and was kept in the charge of one of the members of the seminary. Among the books noticed by Dreyfus-Brisac, at the time of his visit, were the *Monumenta Germaniae Historica*, *Fragmenta Historicorum Græcorum*, *Corpus Inscriptionum Latinarum*, *Corpus Inscriptionum Atticarum*, the complete works of Luther, the *Annales Ecclesiastici*, edited by Baronius, *Corpus Scriptorum Historiae Byzantinae*, Muratori's *Scriptores Rerum Italicarum*, The Glossary of Mediæval Latin, by Ducange, a set of Sybel's *Historische Zeitschrift*, *Forschungen* (Munich), the writings of Curtius, Mommsen, Ranke, Sybel, etc.

Dreyfus-Brisac mentions other seminaries at Bonn University, notably that of the late Professor Held, in Political Economy, held privately in his own house, and the pedagogical seminary of Bona-Meyer. The observing, critical Frenchman says, that he knows of nothing more remarkable in German educational methods, nothing more worthy of imitation, than the seminaries of Bonn.

AN AMERICAN STUDENT ON GERMAN SEMINARIES.

Dr. Charles Gross, an American student who has recently taken the degree of Doctor of Philosophy at Göttingen, in the department of History, with the highest honors, and who is now studying English Municipal History in the British Museum, has written by request the following account of German historical seminaries, in which he has had long and varied experience :

“ The German historical seminary aims to inculcate the scientific method. It is the workshop in which the experienced master teaches his young apprentices the deft use of the tools of the trade. In the lecture room the professor presents the results of his investigations ; in the *Seminar* (or *Uebungen*) he shows just what he had to do in order to secure those results. The German

student lays far more stress upon his *seminar* than upon his lectures. He may "cut" the latter for weeks at a time, while he is very assiduous in his attendance upon the former. The latter may be obtained from books or from the *Heft* of some more conscientious student; but the scientific method, the German maintains, is the gift of time and the seminary only,—the result of long contact between the mind of the master and the mind of the disciple.

"Two different kinds of work predominate in the German historical seminary: the writing of short theses (*Kleine Arbeiten*) or the critical reading of some document or documents, more frequently of some chronicler or chroniclers. The professor selects a list of subjects for theses from the field of his special line of investigation, and assigns them to the students, the latter's particular tastes being generally consulted. A member of the seminary rarely has more than one thesis during the semester, frequently not more than one during the year, and during his first two or three semesters none at all. The professor points out the sources and authorities, and the student consults with him whenever difficulties arise in the preparation of the work. One or two critics (*Referenten*) are appointed for each thesis, who comment upon the production after it has been read. A free discussion of the subject then follows, the professor and students doing all in their power to show the utter lack of *Wissenschaft* in the author's method.

"As regards the other element of seminary work, viz., critical reading of some chronicler, to each student is assigned a certain portion of the text, which, with the aid, if necessary, of other contemporaneous sources pointed out to him by the professor, he is expected to treat in accordance with the canons of historical criticism, the other students commenting *ad libitum*.

"Now these two elements are variously combined in different *Seminars*. Generally both are carried on side by side, an hour perhaps being taken up with the thesis, and the other hour of the session with some text. (That, *e. g.*, is the plan of Prof. Bresslau of Berlin.) Sometimes the seminary is divided into two sections, one for the *Kleine Arbeiten*, and the other for the critical manipulation of some chronicler (*e. g.*, Giesebrecht's *Seminar* in Munich). Sometimes one of the two elements is excluded (*v. Noorden* in Berlin had no theses in my day; *Droysen* nothing but theses). Sometimes the students are not required to do any work at all, the professor simply commenting upon some text for an hour or two. (That was *Weizsäcker's* and *Pauli's* method.)"

PAUL FRÉDÉRICQ, ON GERMAN LECTURES AND HISTORICAL SEMINARIES.

One of the best accounts of German university instruction in history is that given by Paul Frédéricq, Professor in the University

of Liège, Belgium. He made two excursions to German university centres in the years 1881 and 1882, and published a most instructive article in the *Revue de l'instruction publique (supérieur et moyenne) en Belgique*, in 1882. The article is entitled, *De l'enseignement supérieur de l'histoire*.^{*} It will probably be soon translated for publication in America. M. Frédéricq visited Berlin, Halle, Leipzig, and Göttingen. He describes, in a pleasant way, the various lectures that he attended, the professors he met, and the methods that he learned. To one acquainted with life at the Berlin university, its professors of history, and its lecture courses, M. Frédéricq's picture seems almost perfect. One sees again, in fancy, Heinrich von Treitschke, the brilliant publicist and eloquent orator with his immense audiences, everyone of them an enthusiastic seminary of Prussian Politics. The following felicitous sketch of Gustav Droysen will be appreciated by all who have seen that distinguished professor in Katheder:

"Je le vois encore, tenant en main un petit cahier de notes à couverture bleue et accoudé sur un grossier pupitre carré, exhaussé au moyen d'une allonge, qui se dressait à un demi-mètre au-dessus de la chaire. Il commença à mi-voix, à la manière des grands prédicateurs français, afin d'obtenir le silence le plus complet. On aurait entendu voler une mouche. Penché sur son petit cahier bleu et promenant sur son auditoire des regards pénétrants qui perçaient les verres de ses lunettes, il parlait des falsifications dans l'histoire. . . . A chaque instant une plaisanterie très réussie, toujours mordante et acérée, faisait courir un sourire discret sur tous les bancs. . . . J'y admirai la verve caustique, la clarté et la netteté des aperçus, ainsi que l'habileté consommée avec laquelle le professeur lisait ses notes, de manière à faire croire à une improvisation."

The historical seminary conducted by Professor Droysen is one of the best at the University of Berlin. Although Professor Frédéricq failed to obtain access to this seminary as well as to that of Mommsen's, being told *qu' on y exerçait une critique si sévère, si impitoyable que la présence d'un étranger était impossible*, yet he quotes in a work† more recent than the article above men-

^{*} Another good authority upon the subject of German seminaries is M. Charles Seignobos, of Dijon, France, in his critical article on l'enseignement de l'histoire dans les universités allemandes, published in the *Revue internationale de l'enseignement*, June 15, 1881. Cf. pp. 578-589.

† De l'enseignement supérieur de l'histoire en Belgique, XV. Published as an introduction to the *Travaux du Cours Pratique d'Histoire National* de Paul Frédéricq. [Gand et La Haye, 1888.]

tioned the observations made in 1874 by his colleague, Professor Kurth, of Liège :

“ M. Droysen, dans sa *Société historique*, tient aux travaux écrits, parce qu’ ils semblent donner plus de consistance aux études et que c’est quelque chose qui reste ; ils fournissent plus facilement l’objet d’une discussion, ils font mieux apprécier le degré de force d’une élève ainsi que ses aptitudes scientifiques ; enfin, ils permettent à ses condisciples de profiter mieux de son travail. La correction de celui-ci en effet, est confiée à un autre élève qui, sous les auspices du professeur, en critique les erreurs et le discute dans la réunion suivante avec l’auteur ; de là, des controverses souvent animées, auxquelles chaque assistant peut prendre part, et qui offrent l’aspect d’une véritable vie scientifique.”

M. Frédéricq describes with evident pleasure the privilege he enjoyed, through the courtesy of George Waitz, in being admitted to the latter’s seminary, held every Wednesday evening, for two hours, in his own house. The seminary consisted of nine students. They were seated at two round tables, which were loaded with books. The students had at command the various chronicles relating to the times of Charles Martel. The exercise consisted in determining the points of agreement and disagreement among original authorities, with reference to a specific line of facts, in how far one author had quoted from another, &c. “ The professor asked questions in a quiet way, raised objections, and helped out embarrassed pupils with perfect tact and with a kindly serenity.” M. Frédéricq noticed how, at one time, when a student had made a really original observation, the professor took out his pencil and made a note of it upon the margin of his copy of the chronicle. In such simple ways the spirit of independent thought and original research is encouraged by one of the greatest masters. George Waitz is the successor of G. H. Pertz as editor of the *Monumenta Germaniae Historica*. To see upon the professor’s desk great bundles of printer’s proofs for this vast work, only deepened M. Frédéricq’s impressions that here in this private study was really a workshop of German historical science.

SEMINARIES OF ART AND ARCHEOLOGY.

M. Frédéricq describes another phase of historical training which is eminently worthy of imitation in all colleges or universities, where there is convenient access to an archaeological museum. Ernst Curtius is perhaps even more famous in Berlin as a classical

archæologist than as the historian of Greece. His lectures upon Grecian art are accompanied by a weekly visit of his class to the museum, where an hour or two is spent in examining plaster-casts and fragments of antique sculpture under the guidance of Curtius himself. Having enjoyed this very experience on many occasions in Berlin, the writer can attest the literal truth of the following description :

"L'après-midi, M. Curtius nous avait donné rendezvous au Musée des antiques, où il fait chaque semaine une leçon sur l'archéologie grecque et romaine. A son arrivée les étudiants qui l'attendaient en flânant à travers les collections, le saluèrent sèchement, puis remirent leur chapeau. M. Curtius resta couvert aussi et commença sur-le-champ sa promenade de démonstrations archéologiques. Armé d'un coupe-papier en ivoire, il allait d'un objet à l'autre, expliquant, indiquant les moindres particularités avec l'extrémité de son coupe-papier, tantôt se haussant sur la pointe des pieds, tantôt s'agenouillant pour mieux détailler ses explications. A un moment même il se coucha par terre devant un trépied grec. Appuyé sur le coude gauche et brandissant de la main droite son fidèle coupe-papier, il s'extasia sur les formes élégantes et sur les ornements ravissants du petit chef-d'œuvre. On comprend aisément combien des leçons faites avec chaleur par un tel professeur, dans un musée de premier ordre, doivent être utiles aux élèves. La leçon que j'ai entendue ne roulait que sur des points secondaires : trépieds, candélabres, vases en terre cuite, etc., et malgré cela il s'en dégageait une admiration communicative et une sorte de parfum antique. On m'a assuré que lorsqu'il s'occupe de la statuaire, M. Curtius atteint souvent à l'éloquence la plus majestueuse ; et je le crois sans peine."

The same method of peripatetic lectures, as described by M. Frédéricq, was also pursued when I was in Berlin, 1874-5, by Herman Grimm for the illustration of art-history. Once a week he would meet his class at the museum for the examination of works illustrating early Christian plastic and pictorial art, for example, that of the Catacombs ; also works illustrating Byzantine and Germanic influences, and the rise of the various Italian, French, German and Flemish schools of painting and sculpture. More was learned from Grimm's critical commentary upon these works of art, whether originals, photographs or engravings, than would be possible from almost any course of lectures upon the philosophy of art or æsthetics, without concrete realities to teach the eye. The wealth of that great museum of Berlin—for student-purposes one of the finest in the world—is best appreciated when a man like Grimm or Curtius points out its hidden treasures.

The same illustrative methods in ancient and modern art were also practiced by the late Professor Stark, the archæologist and art historian of Heidelberg. Although the museum of the latter university is small, when compared with that of Berlin, yet it serves to illustrate what any institution of moderate resources can accomplish for its students in the way of supplying original sources of art-history, at least in the shape of casts, photographs, and other *fac simile* reproductions of artistic objects. If Stark did not have original tripods, candelabras and terra cottas, he had, nevertheless, images of almost every important object mentioned in his lectures. One of the exercises in Stark's archæological seminary consisted in the explanation at sight, by individual members, of pictorial representations upon Greek vases, which were inexpensively reproduced in colored plates, so that every man could have before him a copy of the work under discussion. There is a great future for American student-research in the field of art-history, which Herman Grimm used to call *die Blüthe der Geschichte*. The quick success in England of Dr. Charles Waldstein, a pupil of Stark's at Heidelberg, shows what possibilities there are beyond German borders for the science of art and archæology. The popularity of Professor Norton's seminary and art-courses at Cambridge, Massachusetts, shows that interest in such matters is kindling upon this side of the Atlantic. The art collections begun by Yale, Amherst and Smith, Vassar and Cornell, Michigan and Johns Hopkins University indicate that the day of art seminaries is not far off.

SEMINARY LIBRARIES.

One of the most interesting and important features of the German historical, political and archæological seminaries is the special library, distinct from the main university collections. We have already noticed the existence of such libraries at Heidelberg and Bonn; and it may be said in general that they are now springing up in all the universities of Germany. So important an auxiliary have these seminary-libraries become that in some universities, where the seminaries have been recognized by the state, a special appropriation is granted by the Government for library purposes. The Government of Saxony granted Professor Noorden, of Leipzig, 6,500 marks for the foundation of his seminary-library, and an annual subsidy of 1,200 marks. This revenue for

the purchase of books is considerably increased by a charge of ten marks per semester, paid by every student who has access to the seminary-library. The privileges of this working-library are regarded as analogous to the privileges of using laboratory apparatus or attending a clinique.

In addition to a special library, German seminaries are now procuring special rooms, not only for regular meetings, but for daily work. The historical seminary at Leipzig, embracing four sections like that at Bonn, has had, since 1880, five rooms at its disposal; one consultation-room or *Sprechzimmer* for the professors, one room for maps and atlases, and three large rooms where the students work, with their special authorities around them. Every student has for himself a table containing a drawer, of which he keeps the key. The rooms are inaccessible to all except members of the seminary, who are intrusted with pass-keys and can enter the library at any time from nine o'clock in the morning until ten o'clock at night. The rooms are warmed and lighted at university expense. Each student has a gas-jet above his own table, and is absolutely independent of all his neighbors. Individuality is a marked feature of student-life and student-work in Germany. Men never room together; they rarely visit one another's apartments; and they almost always prefer to work alone. Society and relaxation they know how and where to find when they are at leisure. By general consent German students attend to their own affairs without let or hindrance. This belongs to academic freedom. It belongs to the seminary, and it belongs to the individual student.

M. Seignobos in his excellent article on l'enseignement de l'histoire en Allemagne,* says, "tout *seminaire historique d'Etat* possède sa bibliothèque propre et sa salle de travail réservées à l'usage de ses membres. Là, au contraire, tous les livres sans exception, restent à demeure, afin que l'étudiant soit toujours sûr des les trouver." M. Seignobos gives a list of some of the chief works that are to be found in the historical seminary library at Leipzig. He noted Pertz, *Monumenta Germaniae*; Jaffé, *Regesta Pontificum*; Jaffé, *Bibliotheca rerum Germanicarum*; Böhmer, *Regesta imperatorum*; Böhmer, *Fontes rerum Germanicarum*; Muratori, *Scriptores*; Bouquet, *Historiens des Gaules*; Wattenbach and Lorenz, *Quellengeschichte*; *Forschungen zur deutschen*

* *Revue international de l'enseignement*, June 15, 1881. "Bibliothèques."

Geschichte; Archiv der gesellschaft für deutsche geschichte; Historische Zeitschrift; Walter, Corpus juris Germanici; Zöpfl, Rechtsgeschichte; Waitz, Deutsche Verfassungsgeschichte; Gengler, Codex juris municipalis; Annales ecclesiastici; Migne, Vies des Papes; Giesebrecht, Geschichte der deutschen Kaiserzeit; Giesebrecht, Jahrbücher des deutschen Reiches; Scriptorum rerum Prussicarum; Huillard-Bréholles, Frédéric II; Hefele, Consiliengeschichte; Gregorovius, Geschichte der Stadt Rom; Collection Byzantine; Sickel, Monumenta graphica; Potthast, Bibliotheca medii ævi.

THE STATISTICAL SEMINARY IN BERLIN.*

This government institution, while dealing with Prussian statistics, is also a regular seminary for the training of university graduates who have passed the examinations required for entrance to the higher branches of the civil service. The seminary, which was first opened in November, 1862, was under the direction of Dr. Edward Engel, chief of the Bureau of Statistics, aided by various university professors. The idea was that the government offices of the statistical bureau should become laboratories of political science. Not only are the facilities of the department utilized for training purposes, but systematic courses of lectures are given to the statistical seminary by university professors coöperating with the chief and his assistants. Subjects like the following are treated: the theory and technique of statistics; agrarian questions; conditions and changes of population; political economy in its various branches; insurance; social questions; administration; prison discipline and prison reform in various countries; sanitary questions, physical geography, etc.

The amount of original work produced by the bureau and seminary of statistics is very great. One has only to examine the Verzeichniss der periodischen und anderen Schriften,† which are published by these government offices, in order to appreciate the scientific value of the scholar in politics. These publications are of international significance, by reasons of the lessons which they teach. Whoever wishes to study, from a comparative point of

* Authorities: Dr. Engel, Das Statistische Seminar des Königl. Preussischen Statistischen Bureaus in Berlin, 1864. Programmes of courses.

† For this catalogue, one should address the Verlag des Königlichen Statistischen Bureaus, Berlin, S. W., Lindenstrasse, 28.

view, the subject of national or municipal finance; the relations of church and school; sanitation; insurance; trade and commerce; industries; population; land and climate; cities; development of the science of statistics; statistical congresses; markets; fairs; genealogies of royal families; tables of mortality; education; administration, etc., will be richly rewarded by consulting the published works of the Prussian Statistical Bureau, which can be obtained at catalogue prices.

LIBRARY OF THE STATISTICAL SEMINARY.

Among the publications of the Prussian Statistical Bureau is the catalogue of its library in two royal octavo volumes. In the first, the authors and titles are arranged according to the *sciences* which they represent. In the second, the contents are grouped by States. Probably there is in existence no other such complete guide to political science in its historical, theoretical, and practical aspects.

This library, now numbering over 70,000 volumes, has been used by Johns Hopkins University men, two of whom have belonged to Dr. Engel's *Seminar*, and they would fully endorse the published statement by Dr. Engel, in his account of the Statistical Seminary, made as long ago as 1864. He says: "If we may believe the admissions of many specialists, there exists far and wide no library so rich, no collection of periodicals so select, no map collection so excellent, as those in the royal bureau of statistics. All new contributions to this branch of literature, whether in Germany, France, England, Belgium, Holland, Sweden, Norway, Denmark, Russia, Italy, Spain, Portugal, North and South America, are brought to the eyes of members of this seminary. A series of more than seventy special magazines of political economy, statistics, and the allied branches of industry, agriculture, commerce and trade, public works, finance, credit, insurance, administration (municipal and national), social self-help,—all this is not only accessible for seminary-use, but members are actually required to familiarize themselves with the contents of these magazines inasmuch as one of the practical exercises of the seminary consists in the preparation of a continuous report or written abstract of these journals."

HISTORICAL SEMINARIES IN BELGIUM.*

The first real university-seminary in Belgium was instituted by Professor Kurth, at Liège, in the year 1874-5. In 1874 M. Kurth had made a tour of observation in Germany, and, in 1876, published his impressions of the seminaries of Bonn, Leipzig, and Berlin in the *Revue de l'instruction publique en Belgique* (1876, Vol. xix.) under the title, *De l'enseignement de l'histoire en Allemagne*, quoted by Paul Frédéricq in his admirable account of the higher education in history as now pursued in Belgium. The seminary-work organized by Professor Kurth was more especially in the domain of mediæval history. The work was divided into two sections. The first was a preparatory course upon historical methods and the principles of historical criticism, with exercises in the use of the original sources for a chosen period of history, which was to be studied in detail the second year. The second section was this more advanced course wherein special questions were considered and theses produced. Among the original sources thus presented were those of Lorraine, of the Diocese of Liège, of the times of Charles the Great, and of the early Teutons. Among the special studies already published by members of this flourishing seminary are monographs upon Saint Gregory of Tours and classical studies in the sixth century; origin of the city of Liège; Norman invasions of the Diocese of Liège. It will be observed that most of these topics relate to the historical environment of the university where this scholarly work was produced.

Professor Paul Frédéricq has been the professional colleague of M. Kurth and M. Émile de Laveleye at the university of Liège since 1880. The subject chosen by M. Frédéricq for the first year's work in a class of fourteen students was the Inquisition in the Netherlands. The seminary studied the ideas and legislation of the sixteenth century upon questions of heresy. Papal bulls and royal edicts, public documents and local archives, the pamphlets of the period, original memoirs, contemporary chronicles,—

* The authority upon this subject is M. Paul Frédéricq, professor of modern history in the University of Liège, author of the admirable papers on the higher education in history, as taught in Germany and Paris, elsewhere cited. His article, *De l'enseignement supérieur de l'histoire en Belgique*, may be found in the introduction to the first published collection of original studies by his own seminary at Liège. *Travaux du cours pratique d'histoire nationale*. [Gand et La Haye, 1883.]

such were the sources of information sought by Professor Frédéricq and his diligent pupils. The second year they studied materials relating to Margaret of Parma, regent of the Netherlands. The mention of her original correspondence, edited by Gachard, will illustrate the original character of the authorities employed.

One of the results of this kind of seminary-work is an elaborate monograph upon Margaret of Parma by one of Professor Frédéricq's pupils, Guillaume Crutzen, now professor of history in the royal athenaeum of Chimay. Other results of this seminary course in modern history are a monograph on *Les édits des Princes-Évêques de Liège en matière d'hérésie au XVI siècle*, by Henri Lonchay, now professor of history in the athenaeum of Ghent; also a monograph on *L'enseignement public des Calvinistes à Gand (1578-1584)* by Professor Frédéricq himself. These three studies by members of the university of Liège, together with Professor Frédéricq's introductory article, *L'histoire aux universités Belges*, have lately (1883) been published in a volume of about two hundred pages, entitled, "Université de Liège. Travaux du cours pratique d'histoire nationale."

Here are the beginnings in Belgium of the same system of seminary-publication as that represented in Germany by the *Historische Studien*, published by an association of university professors, and the *Giessener Studien auf dem Gebiet der Geschichte*,* edited by Wilhelm Oncken. Here are suggestions for similar undertakings in America.

It is interesting to an American student to find a Belgian seminary at Liège traversing anew, and in its own way, the history of the Netherlands, where our own countryman, Motley, was such a bold and successful pioneer. The seminary of Liège is now studying the correspondence of Philip II., of William the Silent (both edited by Gachard,) and van Prinsterer's collection of the archives of the house of Orange-Nassau, etc., with a view to fresh studies in this old but attractive field.

THE HISTORICAL SEMINARY IN PARIS.

Perhaps the best authority upon this subject is Prof. Frédéricq's recent article on *L'enseignement supérieur de l'histoire à Paris*,

*Similar publications of student-theses are the *Hallesche Abhandlungen zur neueren Geschichte* herausgegeben von G. Droysen (son of the Berlin professor bearing the same name) and *Die historischen Uebungen zu Göttingen*, once edited by George Waitz.

printed in the *Revue Internationale de l'enseignement*, July 15, 1883. One of the most interesting facts of a general nature noted by M. Frédéricq was the great number and variety of historical courses offered in the higher institutions of Paris. In the faculty of belles-lettres at the Sorbonne, at the Collège de France, in the École des chartes, in the École normale, the École pratique des hautes études and the École libre des sciences politiques there were in all fifty historical courses. In the university of Berlin there were, at the time of comparison, only twenty-six courses; at Leipzig, twenty-one; at Bonn, fourteen.

M. Frédéricq describes in minute detail the historical methods in vogue at the various learned institutions of Paris. The entire article deserves reproduction in some English journal of education. It is hoped that M. Frédéricq's studies on the higher education in history as pursued in Germany, France, and Belgium may all appear in English translation at no distant day. In this brief review, attention is called simply to the École pratique des hautes études, and to the seminary work of M. Gabriel Monod. The École pratique was founded in the year 1868, while M. Victor Duruy was in the ministry of public instruction. His idea was to institute new methods of practical instruction in mathematics, physics, chemistry, natural history, physiology, philology, and the historical sciences. The old method of instruction, especially in belles-lettres, had been of the lyceum-order — popular, entertaining, oratorical lectures for miscellaneous audiences. M. Duruy wished to substitute regular students for passing auditors, to create libraries and laboratories instead of supporting mere halls of learning. There was much discussion upon the subject of educational reform in France and the resultant literature* is very extensive.

* Statistique de l'enseignement supérieur, 1865 et seq.

L'Administration de l'instruction publique, Ministère de M. Duruy, Paris, 1870, pp. 932; Circulaires et instructions officielles relatives à l'instruction publique, Ministère de M. Duruy, pp. 716.

Karl Hillebrand, de la réforme de l'enseignement supérieur, Paris, 1868.

Gréard, l'enseignement supérieur à Paris, 1881.

Mélanges, publiés par la section historique de l'École pratique, 1878.

Monod, De la possibilité d'une réforme de l'enseignement supérieur, Paris, 1876.

Lavisse, L'Enseignement historique en Sorbonne et l'éducation nationale, *Revue des Deux Mondes*, Feb. 15, 1882.

Some of it would, doubtless, be highly suggestive to college reformers in America.

M. Gabriel Monod was appointed to give practical instruction in history. He was a young Frenchman, who had studied at German universities, at Berlin under Koepke, and at Göttingen under Waitz. M. Monod's practical work was begun in his own private apartment at Paris. After a time, the director of the *École pratique*, M. Renier, was able to obtain for this new school of history two little chambers in the fourth story of the right wing of the Sorbonne. These little rooms (*chambrettes, basses, presque des mansards*) belonged to the library of the Sorbonne. They are now furnished with books from floor to ceiling. They have become genuine laboratories of historical science. M. Frédéricq describes how master and pupils are constantly rummaging through the alcoves of their library. Tables, supplied with writing materials, extend along the line of the book-cases. There is an atmosphere of quiet, serious work pervading the entire apartment. M. Frédéricq says the very narrowness of the quarters has "quelque chose d'intime qui donne un charme tout particulier aux leçons. C'est un petit local adorable qui doit laisser un profond souvenir aux élèves. Il me semble que si l'École pratique le quittait un jour pour aller occuper des installations plus vastes et plus monumentales, elle y perdrait quelque chose de très précieux : son physionomie, son cachet."

Passing from the environment of M. Monod's seminary to the seminary itself, our Belgian observer finds it consisting of about a dozen men, devoted to original research in the field of early French history. He heard one member of the seminary giving the results of his own investigations into the family history of King Robert, son of Hugh Capet. The student had a great package of notes, made copious citations from old chronicles, and corrected the mistakes of his predecessors. M. Frédéricq says a member of the old school would have laughed at such scrupulous attention to the petty details of such a subject, but, as for himself, he was delighted to find, in the very citadel of ancient university traditions, in the old Sorbonne, such a conscientious zeal for painstaking, scientific work. During the lecture given by his pupil, "M. Monod s'effaçait autant que possible pour ne pas entraver l'initiative de l'élève, écoutant avec une attention extrême, la tête penchée, deux doigts de la main gauche pressés sur la bouche, ou rajustant son pince-nez

avant de placer ça et là une brève rectification. À la fin de la leçon il prit chaque fois la parole pour résumer le débat en mettant les points sur les *i* et indiquer nettement les résultats solides et les questions restées obscures. Ici encore j'ai admiré la sagacité et le tact de cet excellent professeur."

The École pratique and the seminary of M. Monod have had a powerful influence upon the educational reconstruction of the higher institutions of Paris. One can no longer find such purely oratorical courses as flourished in former days for popular audiences. Professors in the Sorbonne now address their regular pupils, for whom are reserved the foremost places in those ancient lecture-halls. The École pratique has grown from small beginnings into a vast seminary of the arts and sciences with twenty-five professors and fifty courses of lectures. Since 1869 the school has had its own organ for collective publication, the so-called *Bibliothèque de l'École pratique des hautes études*, wherein have appeared some of the best special works in history by Messieurs Monod, Fagniez, Giry, and many others. In 1875, M. Monod established the *Revue Historique* and lately he has been one of the most active spirits in founding at Paris the *Société Historique* or the so-called *Cercle Saint Simon*, wherein are associated, upon a club basis (somewhat like the Athenaeum in London), many of the brightest men in Paris. The *Cercle* includes also certain non-resident members, gentlemen living in other parts of France or Europe, who are assured of good fellowship when they visit the club-rooms of the *Société Historique*, of which M. Monod is now the President.

SEMINARIES AND LECTURES AT HARVARD COLLEGE.

One of the earliest and most successful applications of the seminary-method in this country was in the department of history at Harvard College, in the advanced classes of Professor Henry Adams.* It was at a time when the writings of Sir Henry Maine were first making their way into the minds of American students. Through Sir Henry Maine and Professor William Stubbs the current of German influence, from Von Maurer and George Waitz,

* It is an interesting fact that the first university lectures after the German model that were ever given in this country were those delivered at Harvard college, 1806-8, upon rhetoric and oratory, by John Quincy Adams, the grandfather of Henry Adams, who is the son of Charles Francis Adams.

came to England and America. It is gratifying to the American spirit of independence that this German current found so quickly in our country new channels of inquiry. Professor Adams began, indeed, his seminary-work with a critical review of the writings of Sir Henry Maine. The members of his class took each a chapter and studied it in the light of other evidence. Each man reported to the class upon the results of his critical study and was sharply opposed at every doubtful point by the professor, whose real views upon the subject were never avowed until the close of the exercise. So profitable was this kind of training and disputation that one young man has since developed into a radical opponent of the views of Sir Henry Maine and of Von Maurer himself, as regards the early history of institutions, particularly of village communities and of land-holding among the ancient Germans.*

Another independent result of the Harvard Seminary was a series of published essays upon Anglo-Saxon law. The professor himself investigated the subject of Anglo-Saxon law courts. Mr. Henry Cabot Lodge inquired into Anglo-Saxon land law. Mr. Ernest Young studied Anglo-Saxon family-law; and Mr. J. Laurence Laughlin, Anglo-Saxon legal procedure. These seminary-studies were published together in a volume entitled *Essays in Anglo-Saxon Law* (Boston: Little, Brown & Co., 1876). They were afterwards republished in England (London: Macmillan & Co.) and have everywhere met with cordial recognition by critical scholars in the old world as well as in the new. This published work has given a decided impulse to historical studies and joint publications elsewhere.

It is a suggestive commentary upon the practical bearing of this seminary-work at Harvard College that all three of the graduate

* Denman W. Ross, Ph. D. (Harvard): *The Early History of Land-Holding among the Germans*, (Boston: Soule and Bugbee, 1883); *Studies in the Early History of Institutions*, I-IV, Cambridge, Mass., Charles W. Sever, 1880-1. I-III. Theory of Village Communities; IV. Theory of Primitive Democracy in the Alps; The Theory of Primitive Communism.

The book on Land-Holding and the various studies support the ideas that land community was not a primitive institution; that, on the contrary, individual land-holding is the historic basis of landed property, even in its communal forms; and that the Teutonic village communities were always communities of serfs or tenants holding their lands from some lord. The book has been favorably reviewed in *The Spectator*, January 5, 1884; unfavorably in the *Saturday Review*, January 19, 1884.

students who were engaged with Professor Henry Adams in the preparation of this book on Anglo-Saxon Law were afterwards engaged as instructors in that institution and continued there the methods they had learned so well. Dr. Lodge instituted coöperative student-lectures in American colonial history, and he himself has since published an excellent Short History of the English Colonies in America, the Life of George Cabot, a Life of Alexander Hamilton, and Life of Daniel Webster (the last two in the series called American Statesman). But for Dr. Lodge the lessons of past history have now been transformed into present politics in Massachusetts. His former associates, however, continue in their academic career. Both are now assistant professors in Harvard University. During the past year, Dr. Young has conducted original courses in Roman Law (for one graduate, ten seniors, eleven juniors, and two sophomores), and in the Constitutional and Legal History of England (for two graduates, thirteen seniors, and fourteen juniors). This course best represents the continuity of work in institutional history originally begun by Professor Henry Adams. Dr. Laughlin has pursued, with his class, independent studies of the economic effects of land tenures in England, Ireland, and France (the class consisting of one graduate and six seniors). From classes much larger in size he has also required theses upon practical economic questions pertaining to this country, *e. g.* Bimetallism, Reciprocity with Canada, National Bank Issues, American Competition, etc. Dr. Taussig,* who has been associated with Professor Laughlin in teaching political economy, produced original studies on the history of tariff legislation in the United States, which gained him the Topham prize and the degree of Ph. D. in 1883. His thesis was entitled "Protection to Young Industries as applied in the United States."

Another line of seminary work at Harvard is more especially on church and state in the Middle Ages. Dr. Emerton, now professor of ecclesiastical history, was trained in methods of special work, not only at Harvard College, but also at Berlin university, in the seminary of Droysen. Dr. Emerton has conducted various seminary courses at Harvard for graduate and

* Dr. Taussig's studies were brought out in a special course of lectures before the students of the college, and were afterwards published by Moses King, of Cambridge, Mass. A second edition will appear from the press of G. P. Putnam's Son's, New York.

undergraduate students, but his work has dealt chiefly with topics of European history, from the time of Charles the Great to the end of the thirteenth century. His students have investigated the relations between the Papacy and the German Empire, the origin of mediæval institutions, the rise of French Communes, etc. He introduced the seminary method into the so-called "Harvard Annex," a Cambridge institution for the promotion of the higher education of women. One of his pupils, a graduate of Smith College, Northampton, prepared, under his direction, an elaborate thesis in German constitutional history, on the origin of the electoral college, for which the degree of doctor of philosophy was afterwards given her at Northampton in 1881. During the past year, Professor Emerton has conducted a seminary for the study and use of historical sources relating to church and state in the eleventh century. The seminary included one graduate and four seniors. Each member prepared five theses, embodying original investigations. Dr. Emerton has lately contributed to the Pedagogical Library, a chapter on "The Historical Seminary in American Teaching," which is an able exposition of the seminary idea. I shall quote from it at considerable length :

"History has been taught very badly in America, or rather, to be honest, it has rarely been taught at all. In the great development of educational methods since the war, it has been one of the departments most slowly and imperfectly recognized as worthy a place of its own. Even now, independent chairs of history exist in but very few American colleges, and the proportion of time given to its study is absurdly inadequate. No serious knowledge of history is required for entrance into our colleges, so that a considerable part of whatever teaching they may offer must needs be elementary. Our subject stands, therefore, in need of fair representation. It must be placed before the country in such a light as shall clearly show it to be worth all the care that can be bestowed upon it. It must be made clear that the claim of history to rank among the sciences is founded in fact—the fact that it has a scientific method. To illustrate and enforce this truth is the mission of the historical "Seminar" in America.

"Let us consider some of the conditions of its success. 1. It must consist of picked men. This is not a method adapted to every student. The recitation in elementary, and the lecture in advanced teaching, must still remain as the chief means of reaching great masses of students. The members of the practice-course, as I prefer to call it, must be men of exceptionally good preparation for this work, usually equipped with some considerable general knowledge of history, but especially strong in foreign

languages, in order that all possible tools may be available for their use. 2. Its numbers must be small, no more, at least, than can be comfortably seated about a small table, so that the relation of teacher and pupil shall be as informal as may be. The students must be in every way encouraged to feel that they are alone responsible for the success of their work, that they are investigators whose results may find a place in the world's record of learning, as well as those of any other men. The teacher must here cease to lay down for their acceptance the products of his own labor; he must become their guide only, enforcing always the lesson that their work alone can bring them substantial rewards. Thus, teachers and students become a working body together, with a definite purpose, with well understood ways of work, and with a common enthusiasm. 3. The subject selected for treatment must be one which lends itself readily to the purpose of the practice-course, one in which, above all else, the material is accessible in a convenient shape for handling.

"Quite apart from all considerations of gain to the student is the relief and advantage which a class of this kind brings to the instructor. This is manly work. He feels himself here no longer the pedagogue laying down the law, but an overseer guiding the action of intelligent workers. It is not for him to inform them, but for them to inform him, while it is his part to see to it that they apply their powers in such a way as to insure the value of their results. There is a tendency among some educators to depreciate the value of original work by young scholars. They say it must needs be crude, and therefore useless. A wiser view is, that only through these first attempts at original effort can a man hope to make the most effective use of his powers when they shall have become mature. The evil with us is not that our boys begin to create too early, but too late. If every student, from the first moment that he learns anything, were compelled to reproduce it in proper shape, he would find himself in college vastly better equipped for the actual grappling with new truth than he now is.

"The principle of study I am here advocating is no longer on trial as an experiment in America. It has come to stay. I am not going too far, I think, in calling it the foundation of the Johns Hopkins University system, and the main source of the wonderful creative vigor already developed by that young institution. Other colleges are following. In all, perhaps, a half dozen can show some form of this practical instruction in moral science. And the development must go on. Libraries must become the laboratories in these sciences in which the head plays the most important part. The library must cease to be the store-house for books and become the working-place where the historian, the philosopher, and the philologist of the future are to get their most effectual training."

SEMINARY WORK IN HARVARD COLLEGE LIBRARY.

The conversion of a library into a laboratory of science is well illustrated at Harvard College, where, through admirable management by the librarian, Professor Justin Winsor, the custom has long prevailed of bringing the materials needed for a specific line of class-work to the notice of students in alcove-reservations, "to which the students have unrestricted access."* Books are treated as specimens, to be examined, tested, analyzed by the class of students for whose benefit they are set forth. Usually the instructor's name is placed upon that collection of authorities which he has selected for the use of his class. Reserved books can be taken out over night. While conflicts of interest sometimes occur between instructors or students who need the same books, yet these matters are generally settled by principles of comity, or by the greatest good of the greatest number. The point is to secure the greatest efficiency of the college library as a laboratory for student-work. Professors Greenough, Emerton and others, have gained this point by having seminary classes meet in one of the small rooms of the library building—an idea which was afterwards carried out by the Baltimore Historical Seminary, which met for a time in one of the small lecture-halls of the Peabody Institute.

SEMINARY WORK IN THE UNIVERSITY OF MICHIGAN.

The development and present character of seminary work in history at the University of Michigan are described as follows by Professor Charles Kendall Adams, Dean of the School of Political Science:

"I hardly suppose there are any peculiarities in our methods of instruction before coming to the seminary work that I need to describe. In the paper I contributed to Dr. Hall's volume,† I gave some hints that will enable you to judge as to what we do.

* See Justin Winsor's report on the Library of Harvard College. Annual Reports, 1882-3. It appears from Mr. Winsor's report that the practice of giving students temporary admission to the shelves is a growing tendency at Harvard College. The number of times that cards of admission are actually used would seem to be a fair test of the extent to which the library was becoming a work-shop. In 1879-80, the number was 340; in 1880-1, it is 870; in 1881-2, it was 2,542; last year it was 3,340,—a total increase in four years of 2,000 cases of *original research*. It appears that during the past year 167 students have used admission cards—46 were students of History, 5 of Political Economy.

† Pedagogical Library, edited by G. Stanley Hall, Vol. I., *Methods of Teaching History*, pp. 171-181.

But a few words in regard to the seminary work may not be unelcome.

"This, of course, had to be evolved out of the old collegiate curriculum. When I took hold of my work here, in full charge of the Department of History, in 1868, it occurred to me that something might be done to awaken further interest by introducing the German seminary methods. I had observed the work done in the seminaries in Berlin, Leipzig, and Bonn, and was convinced that better work could be done than, up to that time, had here been attempted. Accordingly, the next year, in 1869, I got together a group of seniors, especially interested in historical studies, to see what I could do with them. The students were, of course, ill-prepared for anything that could properly be called original work; and the resources of the library were quite inadequate. But we did the best we could, and the results on the whole were so satisfactory, that I was encouraged to develop the system as time and opportunity seemed to suggest. It was not for some years after the time of which I am speaking, that the course of study was made elective after the first year. As soon as the elective system came to be general, I was able to provide such preliminary work as I had strength to carry on. In course of time an Assistant Professor was furnished, and we have, in consequence, been able to add several courses not before given.

"Up to within the last year the resources of our library have not been such as to encourage us in going into an investigation of difficult and obscure questions. Nor, indeed, has that class of questions been the one I have supposed to be most useful to our students. Nearly all of them are undergraduates, and a majority of them are to be lawyers. I have thought, therefore, that their minds required a different class of questions from such as would be most profitable, perhaps, to a group of specialists intending to make the teaching of history a profession. In the first semester I gave the students a set of questions on English history; in the second, on American. The questions were, in the main, those in the last pages of my "Manual." The class taking the work varied in size from twenty to fifty. Of late, I have made the conditions of admittance more stringent, and the number does not often go above twenty-five. I have tried three different ways of conducting the exercise. In all cases, the subjects for special investigation have been assigned at the beginning of the year. In about six weeks we have the first paper—usually from half an hour to an hour in length. Then I have some years had a critique on this paper, prepared by one of the members of the class, into whose hands it had been put a week before it was to be read. I should have said that the class is always divided into groups of not more, in any case, than fifteen members, and usually not more than ten. After the critique, each member is called upon to present the results of the studies on the question before us for that day. In this way

the two hours of the session are taken up. I, of course, make such observations, comments and criticisms as appear to be called for. In this way, every member of the class prepares a paper and reads a critique every semester, and is expected to present the results of some study in addition on each of the other questions.

"Another way I have tried is to divide the questions into several parts, and have each student devote a week to some particular phase of an individual question. This results in better work, but at the conclusion the knowledge of the students is more fragmentary, and less satisfactory. Another method has been to have each student report at each meeting the result of his own studies on his own particular question. This I have found to be the most satisfactory, if the questions are properly chosen. In such a course, the meeting would not be devoted to a single question, as is usual in Germany, but to as many as happened to be in course of investigation.

"This latter is the course I pursued last year in my 'Political Seminary.' The class consists of a group of six, four of them candidates for higher degrees. Our studies were very largely of municipal institutions in different times and different countries, but not exclusively so. The results were very satisfactory indeed, so far as can be judged by the interest awakened in the students. I have been making efforts to get as large a collection as practicable of municipal documents, and I have put the students into these for the study of such of our own cities as have favored me with their reports.

"The most conspicuous success last year was a paper on the 'History of the Appointing Power of the President.' It is well worthy of publication, and I think would be regarded as a genuine contribution to current knowledge. It covers some three hundred pages of MS., and is very carefully sustained by notes and citations of authorities. Another paper of excellence was on 'History of the Land Grants for Higher Education in the Northwest.' The author of this paper, a candidate for Ph. D., is now in Columbus, O., looking at the State Records of that State. He has already visited Lansing, Madison, and Chicago, and after 'doing' Ohio is to go to Indianapolis. His final thesis is to be on 'The Land Grants for Education in the Northwest.'—more properly in that portion of the Northwest which is made up of the old Northwestern Territory. He has undertaken to trace the management in each State of all the land grants for education. I think he is doing the work thoroughly. So far as he has gone, he tells me he has examined all the General Laws and Specific Acts in the States under investigation. I think he will not only bring together a large amount of new information, but will make very clear some mistakes that have been made. Another member devoted his time to a study of the financial history of Chicago; another to a comparison of the governments of St. Louis, Chicago, Buffalo, and

Boston. I have also been getting together the means for a similar study of cities of the old world. I hope to push investigations in the history of education in the Northwest. The management of elementary or common schools, the growth of the high school, legislative interference with colleges and universities are, all subjects which might be profitably investigated."

THE HISTORICAL SEMINARY IN BALTIMORE.

In 1876, the Johns Hopkins University was opened in Baltimore for the promotion of science and of college education. There was no intention of establishing in this country a German university, or of slavishly following foreign methods. The institution was to be preëminently American, but it did not hesitate to adapt the best results of European experience to American educational wants. The system of fellowships, which secured at once a company of advanced students for scientific work, was, from the very outset, radically different from that of England, or from the German system of *Privatdocenten*. It was a peculiarly American system for the encouragement of original research. The historical seminary, which was instituted as soon as university-life in Baltimore began, was founded upon a purely American basis, and devoted itself strictly to American history. The director of this seminary, Dr. Austin Scott, was then associated with Mr. George Bancroft, in Washington, in preparing materials for the history of the formative period of the American constitution, upon which Mr. Bancroft was then engaged. Dr. Scott, who spent most of his time in original research in the library of the state department and with Mr. Bancroft in his own study, came to Baltimore once a week to conduct a session of the historical seminary, which met Saturday mornings.

The same course of constitutional studies, which Mr. Bancroft and Dr. Scott had pursued together, was now reviewed by six or eight university students under Dr. Scott's instructive guidance. The seminary had the feeling that they had been admitted to Mr. Bancroft's workshop, and that, by the examination of his materials and his methods, they were being taught the art of constructing history. The very manuscripts which Dr. Scott had prepared, while collecting and sifting facts for Mr. Bancroft, were shown to the seminary. Questions still unsolved were submitted to Johns Hopkins students for their consideration, in company with their instructor. Books from Mr. Bancroft's private library supple-

mented the resources of Baltimore. Original papers were prepared by various members of the seminary, and written words of encouragement for work like this came from the historian himself. The feeling was thus engendered that, in some slight ways, the seminary was contributing to the great volume of United States History. Between such creative methods of historical study and the old passive methods of reliance upon standard authorities and text-books, there was felt to be a vast difference. And yet the new methods were very simple. Instead of each man buying an expensive work of constitutional history, a set of the journals of the old Congress, the Madison papers, Elliot's debates, the writings of Washington, Jefferson, Hamilton, and a few other sources of information contemporary with the formation of the Constitution, were brought together upon a long table in the library of the Maryland historical society, where seminary sessions were held, and where special facilities were afforded for original research. Around this common board gathered the seminary which was composed originally of six or eight men, four of them "fellows" of the university. The director sat at the head of the board, and usually gave a short lecture, or informal "talk," introductory to the discussion of specific topics which had been assigned for research during the previous week. Reports were made, papers were read, and general interest was awakened in special questions touching the origin and growth of the American constitution. The relation of the States at the close of the revolutionary war, economic questions, commercial problems, the western lands, the influence of the army, the question of revenue, the efforts of statesmen, the origin and history of the great conventions, the constitutional platforms proposed, the course and results of debate, the adoption of the Constitution by the various States, the administration of Washington, the rise of parties, all of these questions and many more were studied in detail by members of the historical seminary.

Dr. Scott's weekly seminary was continued, at convenient intervals, during a period of five years. The best results of this period of study were presented to the university by Dr. Scott in the form of ten public lectures, delivered in January, 1882, upon the development of the American Constitution, under the special topics of nationalism and local self-government; the federative principle; self-assertion of the national idea; reaction; transition; power of the masses; economic questions; socialism; revolution.

Various original papers were prepared in connection with this seminary, and a few have found their way into print. A monograph, by the editor of this series, upon "Maryland's Influence in founding a National Commonwealth," with two minor papers upon "Washington's Land Speculations," and "Washington's Influence in opening a Channel of Trade between the East and West," was published in 1877 by the Maryland Historical Society (Fund Publication, No. XI.). An article by W. T. Brantly, of the Baltimore Bar, upon "The Influence of European Speculation in the Formation of the Federal Constitution," was published in the *Southern Law Review* (St. Louis) August and September, 1880. In 1881, Mr. Bancroft's great work was published in two large volumes, and seminary work in this attractive field was brought to a close. But attention was now being directed towards the field of American local institutions, the earliest germs of our colonial, state, and national life.

But before considering this new phase of the historical seminary in Baltimore, it is fitting to say a word concerning the seminary of constitutional law, instituted by Judge T. M. Cooley, during his lectureship in Baltimore, 1877-9, at the request of members of Dr. Scott's historical seminary. This other seminary was conducted for the special purpose of expounding the text of the Constitution of the United States and of comparing its provisions with the unwritten constitution of England. These exercises, which occurred once a week, consisted chiefly of comment by Judge Cooley, with questions and discussion by the class. Each member had a copy of Paschal's Annotated Constitution and of Baldwin's text, with references to constitutional decisions. The exercises were made especially profitable to students of history in consequence of the legal turn given to the discussions of the seminary by its lawyer-members and by Judge Cooley. Decisions of the supreme court, modifying or interpreting the text of the Constitution, were frequently cited, and the conception of our constitutional law as an organic growth instead of a machine, was thereby strengthened and deepened.

In the autumn of 1880 had already begun a new departure in historical instruction at the Johns Hopkins University, in the introduction of American institutional history as a distinct branch of historical study. The idea was the outgrowth of a special interest in municipal history, first quickened in a seminary at Heidelberg,

thence transplanted to Baltimore, where it was fostered by the reading of the writings of Sir Henry Maine, in connection with those of Carl Hegel, Maurer, Nasse, Waitz, Stubbs, and of the Harvard school of Anglo-Saxon law. The continuity of the Germanic village community in New England had been originally suggested to Sir Henry Maine by an article in *The Nation*, communicated by Professor W. F. Allen, of the University of Wisconsin. It was determined as early as 1877, after consultation with Professor Henry Adams, then and now living in Washington, to apply this principle of continuity to the town institutions of New England. Spring sojourns for four terms, beginning in 1878, at Smith College, Northampton, Mass., and summer vacations spent in old towns along the New England coast, made it possible to attempt this study, the first fruit of which was presented in 1880 to a mixed class of graduate and undergraduate students at the Johns Hopkins University, in a course of lectures, one hour a week, for one semester, upon the History of Plymouth Plantations, a course based upon an original study of the colonial and town records of Plymouth. The only work required of the class in this connection was an examination upon Sir Henry Maine's lectures on "Village Communities in the East and West." The next year, 1881, a similar course was given to advanced students only, upon "Salem Plantations," based upon vacation studies in Massachusetts.

By this time, kindred researches in the colonial and local records of other States were in progress among college graduates from various parts of the Union. A student from South Carolina was investigating the parish system of his native State. Maryland men were studying Maryland institutions. But, while advantage was thus taken of local environments, even of summer residence, these were not the only considerations which governed the allotment of territory. A New England man was encouraged to investigate the origin and development of the municipal government of New York City. Another graduate from the northeast section of the Union began to study the local government of Michigan and the Northwest, and the results of his work were read at the general meeting of the American Social Science Association in 1882, and afterwards published in their proceedings for that year. The article was republished in the Johns Hopkins University Studies in Historical and Political Science, first series, number 5.

It was a part of the new seminary plan to have its studies pub-

lished in the proceedings of learned societies, in historical magazines, and in other ways suited to the propaganda of American institutional history. Especially was it desired to obtain local recognition for local work. A paper on local government in Pennsylvania was read before the Pennsylvania Historical Society and published in the *Pennsylvania Magazine of history and biography*. It was also intended that these local publications should ultimately be brought together again in a regular university series. The American Antiquarian Society, the New England Historic, Genealogical Society, the Essex Institute, the secretary of the American Social Science Association, and editors of magazines kindly coöperated in furthering this aim of the seminary; and the trustees of the Johns Hopkins University, in the autumn of 1882, enabled the project to be carried out in the shape of a monthly periodical, devoted to "Studies in Historical and Political Science," the first volume of which is now complete.

The new historical seminary of graduate students began its Saturday mid-day sessions in the autumn of 1881, in a small lecture-room of the Peabody Institute, which contains a library most admirably equipped for special research, and numbering about 80,000 volumes. Here, around a long table, half a dozen advanced students met together twice a week, once for a study of the sources of early European history, with special reference to Germanic peoples, and once for lectures and original papers on the local institutions of the United States. All the sources of information, used or mentioned by members of the seminary, were exhibited upon the long table, and were passed around for purposes of illustration. The advantage of seeing and handling the books mentioned in a lecture or bibliography, is very great, compared with the simple transcription of catalogue-titles into a note-book,—a method prevailing in German lecture-courses. The Baltimore seminaries are laboratories where books are treated like mineralogical specimens, passed about from hand to hand, examined, and tested.

In the spring semester of 1882, the institutional section of the historical seminary began to hold Friday evening sessions, of two hours each, for the convenience of certain young lawyers, graduates of the university, who desired to participate in the institutional work. Meantime the library resources of the Johns Hopkins for the furtherance of such study had been increasing. It was thought

expedient to fit up a special library-room for the accommodation of the seminary, which had now increased to eighteen members. A seminary altar, in the shape of another long table, was accordingly erected, and book-shelves were built around the room, within easy reach. Here the peripatetic school of American history assembled anew and held weekly sessions until the close of the spring semester of 1883, continuing, however, its weekly meetings at the Peabody Institute for the study of the sources of English history. The historical seminary early associated with itself the graduate students in political economy, and certain professors and advanced students of history and politics in other colleges. In this associate capacity, the seminary is known as the Historical Political Science Association.

No better idea of the nature of the subjects discussed by it last year can be given than those reported in a number of the Johns Hopkins University Circular, August, 1883, among the proceedings of societies, from April 6 to May 30, 1883; topical instruction in history, by Professor William F. Allen, of the University of Wisconsin; letters from a university-student in Germany, on German methods of writing and teaching history; the limits of coöperation, by E. R. L. Gould, fellow of history; historical remarks on Talbot county and the Eastern Shore of Maryland, by Dr. Samuel A. Harrison, of Easton, Maryland; customs of land tenure among the boys of McDonogh Institute, Baltimore county, by John Johnson, A. B. [a very remarkable paper, illustrating not only the advantage of studying local environments, but socialism in miniature]; socialistic and coöperative features of Mormonism, by the Rev. G. D. B. Miller, of St. Mark's School, Salt Lake City; Machiavelli, by Edgar Goodman, A. B.; the influence of John Locke upon political philosophy, by B. J. Ramage, A. B.; the office of public prosecutor, by F. J. Goodnow, A. B., professor (elect) of administrative law in Columbia College; the income tax in the United States, by H. W. Caldwell, A. B., instructor (elect) of history in the University of Nebraska; Hugo Grotius, the founder of modern international law, by Arthur Yager, A. B., professor (elect) of historical and political science, Georgetown College, Ky.; review notices of the 300th anniversary of the birth of Grotius, by Dr. J. F. Jameson, associate in history, J. H. U.; America as a field for church history, by Dr. Philip Schaff, of the Union Theological Seminary; taxation in Maryland, by C. M.

Armstrong, of the Baltimore Bar; review of certain results of the U. S. census of 1880, by John C. Rose, lecturer (elect) in the University of Maryland [Law School]; the revised tariff in its relation to the economic history of the United States, by Talcott Williams, A. B., of the editorial staff of the *Philadelphia Press*. Abstracts of some of these papers or communications were published in the *University Circular*, for August, 1883, and two or three of the articles will probably be printed in the *University Studies*. The article last named on the tariff will be published by the Society for Political Education.

Occasionally, specialists from other colleges, or distinguished strangers who are visiting the city, are present by invitation. Among other guests during the past year, President White of Cornell University has addressed the seminary. It is of no slight interest for young men to have among them, now and then, some veteran in the field of history or politics, who, by his pithy sayings and friendly suggestions, can sometimes do more in a half hour for the development of the seminary than would days of passive reading. The older members of the seminary can never forget the deep impressions made upon students of history in Baltimore by the late Professor J. L. Diman, of Brown University, who, during his lectureship at the Johns Hopkins University, addressed the Association of Historical and Political Science. The youngest members still speak with pleasure of Mr. Edward A. Freeman, who, by special invitation, gave the university students of history six extempore "talks" upon the geography and history of southeastern Europe, whence he had recently come. Nor will some of these students ever forget the enthusiasm with which Mr. Freeman entered into the rooms for special research in the university library to examine the ancient laws of Maryland, and to talk of English institutions with the students who were there at work. Among other interesting addresses, given especially for the benefit of the seminary, was that by James Bryce, M. P., Regius professor of civil law in the University of Oxford, on "The Relation of Law to History." Mr. Bryce gave a general course to students of the university on "English Problems," but the special lecture was by request of the students of history.*

* Recently (November 23, 1883), Mr. Bryce addressed the seminary upon the subject of De Tocqueville's *Democracy in America*, suggesting certain points of criticism and original research (see *University Circular*, January,

With the opening of the present academic year, 1883-4, the seminary of historical and political science took up its abode in new and more spacious rooms than those hitherto occupied. The seminary is now established in the third story of the building devoted to the main university library, of which the seminary books form a subordinate section. As you enter the seminary library, which occupies a room fifty-one by twenty-nine feet, the most noticeable object is the long library-table, around which students are seated, every man in his own place, with his own drawer for writing materials. Upon the walls above the table are portraits of men who have influenced the development of the Baltimore seminary — G. H. Pertz, Bluntschli, Freeman, Bryce, Von Holst, Cooley, Diman. Busts of Jared Sparks, Francis Lieber and other distinguished representatives of history and politics give to mere aggregations of books the presence of personality. The library is arranged in alcoves around the seminary-table, with primary regard to the convenience of students, who help themselves to books without any formality. American history (state and national) occupies the most honored place. International law, politics, administration, economics and social science, history (European, ecclesiastical, classical, oriental), archæology, and law (Roman, German, French, and English), have each their proper place. Within the alcoves are tables for special work, which places are assigned to advanced students holding the honors of the department. These tables are somewhat secluded from the general view by revolving book-cases, wherein books in current use are placed, as we say, "on reservation." The newspapers taken by the department are distributed in the various alcoves of politics, economics, law, history, etc. Religious journals are to be found upon the ecclesiastical table.

The current magazines of historical and political science, together with new books and university publications, are kept upon the long seminary-table, which represents the centre of scientific life for those who gather about it. The latest and freshest contributions are here displayed; and when the new becomes old, it is swept away into the alcoves, to side-tables where it still remains

1884.) Dr. H. von Holst, of the University of Freiberg, in Baden, has also addressed the seminary at a recent date (October 12, 1883), upon the study of slavery as an institution, with suggestions as to the possibilities of the southern field of research for students at the Johns Hopkins University.

for some weeks on exhibition until it is finally classified in pigeon-holes, pamphlet-files, or bound volumes. The back numbers of all special magazines like the *Revue Historique*, *Historische Zeitschrift*, *Preussische Jahrbücher*, *Tübinger Zeitschrift*, *Conrad's Jahrbücher*, *Revue de Droit International*, taken by the department, are kept for consultation in a room specially devoted to that purpose. In addition to these rooms, there are separate offices for the various instructors, two lecture-rooms, a newspaper bureau, a geographical and statistical bureau, and the beginning of an historical museum,—some of which features of the seminary will be described in another connection.

SEMINARY LIFE.

It is easy thus to outline a few external characteristics of the seminary, but difficult to picture its inner life. Its workings are so complex and varied, that it cannot be confined within walls or restricted to a single library. Its members are to be found, now in its own rooms, now at the Peabody Institute, or again in the library of the Maryland Historical Society. Sometimes its delegates may be seen in the libraries of Philadelphia, or in the library of Congress, or in some parish registry of South Carolina, or in some town clerk's office in New England. One summer the president of the university found a Johns Hopkins student in Quebec studying French parishes and Canadian feudalism. The next summer, this same student, at present a fellow of history, was visiting Iona and tramping through the parishes of England. He called by the wayside upon the English historian, Mr. Freeman, at his home in Somerset. Once the seminary sent a deputy in winter to a distant village community upon the extreme eastern point of Long Island, East Hampton, where he studied the history of the common lands at Montauk, with the queen of the Montauk Indians for his sovereign protectress and chief cook. Half a dozen members of the seminary have gone off together upon an archæological excursion, for example, to an old Maryland parish, like St. John's, where lies the ruined town of Joppa,* the original seat of Baltimore county; or again, to North Point, the scene of an old battle-ground and the first site of St. Paul's, the original

* With the return of spring, the Seminary will return to the vicinity of Joppa for the sake of exploiting fifteen Indian graves which are to be opened in the interest of science by the present proprietor.

parish church of Baltimore; and still again, to Annapolis, where, with a steam launch belonging to the Naval Academy, and under the guidance of a local antiquary, they visited Greenberry's Point, upon the river Severn, the site of that ancient Puritan commonwealth which migrated from Virginia and was originally called Providence, from which sprang the Puritan capital of Maryland. Reports of these archaeological excursions, written by members of the seminary connected with the Baltimore press, found their way into the public prints and were read by many people in town and country, who thus became more deeply interested in the history of Maryland.

The scientific sessions of the seminary, two hours each week, are probably the least of its work, for every member is engaged upon some branch of special research, which occupies a vast amount of time. Researches are prosecuted upon the economic principles of division of labor and coöperation. This coöperation appears not merely in the interdependence of student-monographs, but in every-day student-life. A word is passed here, a hint is given there; a new fact or reference, casually discovered by one man, is communicated to another to whom it is of more special interest; a valuable book, found in some Baltimore library or antiquarian bookstore, is recommended, or purchased for a friend. These things, however, are only indications of that kindly spirit of coöperation which flows steadily on beneath the surface of student-life. It is interesting to observe this spirit of friendly reciprocity even among rivals for university honors, that is, for fellowships and scholarships. Individual ambition is undoubtedly a strong motive in student-work, but there is such a thing among students everywhere as ambition for others, call it class spirit, *esprit de corps*, good fellowship, or good will to men. The Baltimore seminary is individually ambitious, but it hails with delight the rise of similar associations elsewhere, at Harvard University, at the University of Pennsylvania (Wharton School), Cornell University, University of Michigan, University of Wisconsin, University of Nebraska, and University of California. All these seminaries are individually ambitious, but it is ambition for the common cause of science. They are all pushing forward their lines of research, but all are coöperating for the advancement of American history.

THE SEMINARY LIBRARY.

The library of the seminary of historical and political science began in the collection of colonial records, state laws, and American archives for the encouragement of students in American institutional history. The collection was at first increased from the main library of the university, which transferred all *special* works relating to this department; then, gradual purchases were made of institutional and economic material from England and Germany, in the special interest of the seminary. In December, 1882, the private library of the late Dr. John Caspar Bluntschli, of Heidelberg, was incorporated into that of the seminary, after presentation to the University by the German citizens of Baltimore. The Bluntschli library, containing nearly three thousand volumes, with about four thousand pamphlets, represents the scientific collections of a broad-minded specialist in historical and political science, whose horizon of interest widened gradually from the pent-up limits of a Swiss canton to modern European states and to the law of nations. Bluntschli's professional position at Munich as historian of political science and as editor of the German political dictionary, his life as professor and practical politician at Heidelberg, his presidency of the *Institut de Droit International*, brought him into scientific association with specialists, not only in Germany, but in Holland, Belgium, France, Italy, Austria, Russia, and England; consequently, his library is especially rich in books, which came to him from distinguished writers in all these countries. Upon the basis of this European collection, representing the laws and history of the old world, the Baltimore seminary, conscious of its Heidelberg inheritance, proposes now to build up an American collection which shall represent the history, laws, and institutions of the new world. Already since the acquisition of the Bluntschli collection, the seminary library has increased to over eight thousand volumes. Besides many private donations, it has received two large gifts of government documents, one from the State Department, the other from the Department of the Interior; and it will henceforth be one of the Maryland repositories for all public documents issued by the United States. The seminary has sent out a circular letter to secretaries of the individual States, mayors of cities, and to prominent officials in various stations, requesting donations of documents and reports for the increase of its library; and the returns are altogether gratifying. It is hoped

that gradually the different strata of American institutional and economic history, from local and municipal to State and national life, may be represented in the scientific collections of the Johns Hopkins University.

BLUNTSCHLI AND LIEBER MANUSCRIPTS.

The most cherished part of the seminary library is kept in a special case, devoted to the writings of Bluntschli and Lieber. The Bluntschli family understood well that the manuscripts of the deceased scholar and statesman would be most fittingly preserved in connection with his own library. Although the manuscript collection was no part of the original purchase made by the German citizens of Baltimore in the interests of the University, yet with the purchased library came also the manuscripts as a free gift. They comprise not alone the materials used in some of his great works, but also written lectures upon various subjects and even his note-books, kept while listening as a student to great masters like Niebuhr and Savigny. The note-books are all firmly bound, and are written in the same neat, fine hand which characterized Bluntschli's manuscripts to the last. These note-books, quarto size, with six large pamphlet-boxes of written lectures and other manuscript materials, have for two of Bluntschli's pupils, now instructors in the department of history and economics, a certain *Affectionswerth*; and for all others who visit or use the library these original manuscripts are an object of very great interest. They are kept together with a complete set of Bluntschli's own writings, which are very numerous and include a large collection of special monographs. It is by a peculiar historic fitness that the published works and manuscripts of two men like Bluntschli and Lieber, who were devoted friends in life, are now brought together after their death. Bluntschli and Lieber never met face to face; they were friends, however, by long correspondence and by common sympathies. Lieber used to say that he in New York, Bluntschli in Heidelberg, and Laboulaye in Paris, formed a "scientific clover-leaf," representing the international character of French, German, and Anglo-American culture.

The widow of Francis Lieber, rejoicing that the Bluntschli Library is now in America, has determined that the manuscripts of her husband shall henceforth be associated with those of his old friend. She has accordingly sent to the Johns Hopkins Uni-

versity, the Lieber papers, with annotated, interleaved copies of his various works. They have all been placed in the same case with the Bluntschli writings, to which have been added the works of Laboulaye, so that the "scientific clover-leaf" will remain undivided. Lieber's bust, presented by his widow, now stands by the side of Bluntschli's portrait. Although Laboulaye became alienated from his two old friends in consequence of the Franco-Prussian war, yet, as Bluntschli well said, "that community of thought, science, and endeavor, which we represented for three peoples and for three civilizations, is not broken up, but will broaden and deepen and become more fruitful, as surely as the peculiar spirit and individual forms of nationality, existing of their own right, find their true harmony and highest end in the development of humanity."

COMBINATION OF THE FOUR METHODS.

[In closing his paper, Dr. ADAMS passing in review what he had read, and alluding to the presence at the Saratoga Meeting of Mr. MOZOOMDAR, a representative of that great Asiatic country in which we find the dawn of history and the first rudiments of Local Government, said :]

The Special, the Comparative, the Coöperative methods are all united in the methods of the Seminary, but coöperation is perhaps its most striking characteristic. This appears, not merely in the nature of its published work and present researches, but in the every-day relations of student-life. A word is passed here ; a hint is given there ; a new fact or reference, casually discovered by one man is communicated to another to whom it is of more special interest ; a valuable book, found in some library or antiquarian bookstore, is recommended, or purchased for a friend. These things, however, are but slight indications of that kindly spirit of coöperation which flows steadily on beneath the surface of student life and work. It is interesting to observe this spirit of friendly reciprocity even among rivals for university honors (that is, for fellowships and scholarships). Individual ambition is undoubtedly a strong motive in student-work, but there is such a thing among students everywhere as ambition for others, call it what you will, class spirit, *esprit de corps*, good fellowship, or good will to men. The Baltimore Seminary is individually ambitious, but it rejoices to hear of the institution of similar associations elsewhere, in the University of Michigan, in Cornell University, and in the University of Nebraska. All these Seminaries are

ambitious, but their ambition is for a common cause. — the promotion of historical science among American youth, and the advancement through them of American History.

Mr. MOZOOMDAR being called up by Professor HARRIS, Chairman of the Education Department, to speak on the study of history in India, and the historical development of the Indian peoples. spoke at some length, but the following notes of his remarks have alone been preserved :

The structure of Indian society is so different from that of England and America, that I may not be able to make myself understood when I tell you how we live and act in India. The climate is so warm that we do not require the brick houses and the hearth-fires which you delight in. We live much in the open air. On the banks of the river, you may see of an evening a collection of people ; and this evening gathering gives you an idea of the structure of Indian society. All topics are discussed therein ; laws and penalties are there decided. Each person gives his opinion ; and the opinion is weighed according to the caste, the age, the station of the speaker. But there will be no *woman* present. She will be in the four walls of the home.

Hindu society is opposed to individuality. The social life, the state and church life, are bound up with rules which cannot be transgressed. Society is patriarchal and autocratic. The patriarch of the family is called "The Man-who-acts," and the rest follow his acts. If all the members had their individual will, it would bring back "the reign of Chaos and old Night," as the people of India think.

The Hindu bathes morning and evening, and at noon again, and also if he treads on the shadow of a Mohammedan or (you must excuse me) of an Englishman. The bathing place is the great place of resort or consultation. The Brahmin gives rules for the *religious* government of the household. It is the Brahmin who pronounces the sentence of excommunication, and who tells the days on which marriages are permitted. But as for the head of the State, — the Brahmin will advise him, but cannot control him. Submission is the law of life. As the higher castes alone have the opportunity of education, the boy at ten years goes to the teacher, and becomes wholly subject to him, becomes his menial. The Brahmin boy has his head shaved, his ears bored, and his neck ornamented with the sacred thread, when he becomes a "regenerate man," or one who has received his second birth. Up to that time, he was a mere animal. Every detail of his life is decided by his teacher. When he has studied the Vedas and other sacred books, he can return to his home and be married.

In India poverty is not a reproach. In Europe the poor man and the leper are classed together ; but the Brahmin is a mendi-

cant, living on public charity. He never *asks*. The wealthy consider it an honor and a duty to enquire into his circumstances and to contribute to his wants. At marriages and name-giving ceremonies, the Brahmins gather with their disciples; and they return home therefrom laden with presents of money, shawls, clothes, etc.

According to the ancient rules the first era in a man's life is that of *discipleship*. Then at twenty years comes the era of the *householder*. The householder rears up his family and lives among them till the age of fifty. He then retires into the forest with his wife. There they devote themselves to the performances of religious duties. That forest life has always been to me an interesting life. There, under the shadow of gigantic trees and moss-grown boulders, beside the river or the water-fall, you may find the man and his wife leading a life of purity, hospitality, wisdom and religion.

After ten years thus spent, comes the life of "the man who walks with God." When life's pilgrimage draws to its close, the joy and the sorrow of life are past, the Hindu with his beloved wife walks with God, is full of devout thoughts, lives in solitude, walks in his God, with his God, unto his God.

PAPERS OF THE SOCIAL ECONOMY DEPARTMENT.

I. THE RACE PROBLEM IN THE UNITED STATES.

AN ABSTRACT.

BY PROF. C. A. GARDINER, OF BROOKLYN, N. Y.

(Read Friday, September 7, 1883.)

During the past three thousand years, human progress has been identical with the development of the Caucasian race, and especially with the growth of its Indo-European branch. From our first glimpse of the race in history, it has been restless and progressive, and it should not be a matter of wonder that its uniform success has made it self-reliant, haughty and domineering whenever brought into contact with races of a different color. Here, in this Republic, the problem of races has assumed an importance never before known in human history; nor is the conflict of races a new one. The Emancipation Proclamation, the Fifteenth Amendment, the nine hundred broken Indian treaties, the Chinese bill of 1882; these, and other landmarks, show that race problems have ever been an important factor in American politics. The terms offered by our Anglo-Saxon ancestors to the Indians whom they found on this continent, were submission or annihilation, and the consequence was war. The Indian fought daily, yearly. The colonial treatment of the Indian cannot be termed a policy; nor has our course of the past fifty years been other than a *laissez faire* policy in peace and extermination in war, though nominally a system of reservations, with seclusion and non-intercourse. In the consideration of any scheme for the future, the following facts will be valuable:

The Indians, less than the whites, are the cause of the frequent Indian wars. President Seelye said: "There has not been an Indian war for the past fifty years in which the whites have not been the aggressors." Their normal condition is not, as affirmed by many, that of marauders and enemies of the whites. Official reports prove that for the past ten years, the average of marauding Indians to the Indian population was one out of every thousand. Our Indian wars have been fought at a loss of ten white men to one Indian, and the Indians who were killed have cost the government \$100,000 each. For forty years, it has cost us, to fight the

Indians, \$12,000,000 annually; \$600,000,000 will not meet our army expenses since 1830. Disgraceful and outrageous to humanity, our policy should be changed, even for the mercenary motive of public economy. Indian character presents no innate, insurmountable obstacle to civilization. For Indian and Caucasian, the map of their faculties is identical; and if the Indian's faculties for civilized life have long lain dormant, these facts prove that they are now being aroused. Of the Indians in Indian Territory, and in the reservations, more than one-half wear citizens' clothes; there is one house for every ten Indians; they have eighty-seven boarding schools; 315 churches; one-fourth of the children go to school; one-sixth can read; 56,000 use English for conversation; 39,000 Indian families engage in agriculture, cultivate 570,000 acres of land, raise annually 2,000,000 bushels of corn, 6,000,000 pounds of cotton, and own 550,000 cattle. A long array of facts prove, (1) That when America was discovered, the Indians were not numerous. (2) That they have not been slowly decreasing; and, (3) That the decrease is not going on even today. Early estimates of Indian population are amusing exaggerations. We must discard the statement that the Spaniards destroyed, in forty years, 15,000,000 Indians, and that Montezuma led 3,000,000 warriors to battle. Bancroft estimates that the Indians east of the Mississippi and south of the St. Lawrence, in 1650, numbered 180,000, that the Indians of Virginia were one to the square mile, and that New England had 30,000. The Seminoles have doubled in fifty years; the Sioux have quadrupled in 140 years, and for the last half century, they have, at least, increased one-third, and since 1763, the Iroquois have increased. The Indians, today are not decreasing in the United States. Statements of President Seelye, Joseph Cook, Gen. Armstrong, Ex-President Hayes, and a recent statement of Indian Commissioner Price, were given to uphold the views of Prof. Gardiner. Accepting these facts, the usual method of considering the Indian problem must be radically altered. He is to be a prominent factor in our nation. Our policy from this day forward should be to civilize him and prepare him for citizenship. We should, through education, first of all encourage the Indian to self-help. Awaken in him ideas of civilized life, and he will strive to realize such ideals. In the past, he has seen the black side of civilization.— nothing for which he would abandon savagery. The brightest omen of today is that the Indians are demanding

schools and teachers. Government should fully supply this want, instead of, as at present, actually educating only one per cent. of the Indian population. Private aid does all the rest. Education should be industrial as well as literary, and government should establish manual labor schools in every reservation. State and Federal laws and courts should be extended over Indian reservations. Lands should be given in severality on the petition of the tribe, inalienable for a certain time. As the ultimate point in his progress, government should extend the full rights of citizenship. But the ballot should not be forced upon the Indian. The right of suffrage has been extended to 8,557 Indians and already two-thirds have reformed or rejoined their tribes. The solution of the political status will carry with it the solution of the Indian's social status: and his future, in race and nationality, will be identical with the future of the American people.

Far different from that of the Indian is the condition of the negro race in America. Imported as a slave, tolerated as a serf, emancipated, enfranchised, with all his social inferiority, poverty, and ignorance, he has been brought face to face with the great problems of national rule. What has been the result? Have his twenty years of legal equality met the expectations of friends? Is his future secured? A majority of the American people answer in the affirmative, and give the question no further thought. By emancipation and enfranchisement, they believe that all their obligations have been discharged; that the ballot is the black man's sword of defence, and on the broad plane of legal equality, the races are adjusting their differences and uniting in one compact, homogeneous American people. But such is not the truth, and a consideration of facts will show that little real progress has yet been made toward a final solution of the race troubles: (1) The future home of the negro race will be in the Southern States. (2) Negroes are increasing in numbers more rapidly than the whites. (3) Amalgamation, if possible, is not desirable. (4) A final solution can result only from homogeneity of race, or the removal of one of the races from the Southern States.

Fifteen years ago it was asserted without contradiction that the negro problem would meet with an easy solution through the gradual and general dispersion of the negroes through the United States and their absorption into the mass of the American people. In 1850, there were outside of the slave States, 434,000 negroes;

in 1860, 488,000; 1870, 500,000, and in 1880, 650,000. Making an allowance for the natural increase of the negroes, we find that for thirty years there has practically been no migration of the negro race from its Southern home. During this period also, the negro has suffered social and political indignities, which we may hope he will never again suffer to the same extent. If under social ostracism, poverty, and political oppression, he has voluntarily remained in the South, we may assume that he will remain there permanently. Within a few years we have witnessed a so-called "exodus." It was a sporadic movement, and no deductions can be based upon it.

Unless some cause prevents which cannot now be conjectured, the great body of the negro race will remain within its present geographical boundaries. If a straight line be drawn from the southern boundary of Delaware to the northeastern corner of Texas, 6,000,000 negroes would be south of that line and 550,000 north of it. But, taking the seven Atlantic and Gulf States, — North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi and Louisiana, — we have a compact, connected territory, containing nearly 4,000,000 negroes, or two-thirds of all in the United States. This territory of compact geographical position, of uniform climate and resources, may be regarded as the permanent future home of the negro race. The importance of this deduction is evident; the questions involved in the relations of the two races must be solved for good or ill on that geographical basis.

The year 1880 marked the close of the first full decade of freedom for the negro; and the census returns were awaited with great anxiety, as they would show whether the negro was an increasing or decreasing race. An examination gives these data: The white population of 1870 was, in round numbers, 33,000,000; and, in 1880, 43,000,000, or an increase of twenty-four per cent. The negro population of 1870 was 4,880,000; of 1880, 6,580,000, or an increase of thirty-five per cent. Deducting nine per cent. for immigration, which is a low estimate for the past decade, the remaining twenty per cent. will represent the ten years' gain of the native white population. The white population, increasing twenty per cent. in ten years, or two per cent. annually, will double once every thirty-five years; the negro, increasing thirty-five per cent. in ten years, or three and one-half per cent. annually,

will double every twenty years. The immigration of foreign or Northern whites may somewhat affect the future relations of the races; yet it seems reasonable to conjecture, that, within sixty years, negroes will greatly predominate in all the South; and one hundred years from today they will be double the number in every Southern State. In the Atlantic and Gulf States the negroes even today, within 100,000, equal the whites in number. Within twenty years, or by the end of this century, they will surpass them in the proportion of seven to five; in 1920, in the proportion of two to one; and one hundred years from today there will be no less than four blacks to every white in the seven States.

Amalgamation is regarded by many as a possible solution of the negro problem. Its probability and desirability are to be examined. The late Wendell Phillips has advocated it; and Canon George Rawlinson, in the *Princeton Review* of 1878, has written: "To us onlookers at a distance, entirely disinterested spectators, it seems that amalgamation is the true remedy, and ultimate absorption of the black race into the white, the end to be desired and aimed at." The examples cited by Canon Rawlinson are entirely inapplicable, with one single exception, and are simply cases of amalgamation of different family stocks of the white race. It seems strange that so careful a scholar should make such a mistake; yet he finally tells us in this article that the ancient Egyptians are the only real example of distinct race amalgamation in all history. But the ratio of brain capacity of the ancient Egyptian's skull, as compared with that of the average European, is as 146.4 to 150; thus, at the very best, if the Egyptian was an amalgam of whites and blacks, the amalgam was a positive deterioration from the white parent stock.

A careful examination of various authorities furnishes these reliable examples:—

1. The Griquas of South Africa are a hybrid of the Dutch colonists and the Hottentots, and are inferior to the negro stock.

2. The Kurughis of Northern Africa are a mixed race of Turkish-Moorish descent, exhibiting the worst traits of each.

3. The Zambos of western South America, mongrels of mixed European, negro, and indigenous American races, are most prominent among the criminal classes of South America.

4. In the East Indies the Portuguese-Malay half-castes are sunk into a deplorable condition of misery, sloth and moral degradation.

5. The English-Maori half-breeds of New Zealand are strong in body, but mentally inferior to the English stock.

6. The Dutch-Malay half-breeds of Java, known as Liplaps, are weakly in body and mind, and are said to die out in three generations.

7. In Russian-Asia slaves have united, to the detriment of slaves.

8. In Chiloe and other islands off the western coast of South America we find the population, consisting of Indians and Spaniards, blended in various degrees of degradation.

9. The immense mongrel population of negroes and Portuguese in Brazil is cited by ethnologists as a solemn warning to American amalgamationists.

10. The Mestizos of Mexico are a hybrid race, acknowledged by the highest authority to be degraded in body, mind and morals.

But amalgamation has not been without its trial in this country. Negroes and whites have united, and their hybrid offspring numbers today probably 500,000. Dr. Sandford B. Hunt, a surgeon of United States volunteers in the late civil war, has examined the brains of 405 whites and negroes, with results which are most important. When white blood predominates in a mixed breed there is an increase of cerebral development, while the presence of one-fourth, one-eighth, or one-sixteenth of white blood produces a brain decidedly inferior to that of the pure negro. Topinard says of these figures that they "would lead us to believe that the mixed breeds assimilate the bad more readily than the good." Von Tschudi, speaking of mixed races, says: "As a general rule it may be fairly said that they unite in themselves all the faults without any of the virtues of their progenitors; as men they are generally inferior to the pure races, and as members of society they are the worst class of citizens." Mr. Edward Morris says: "All recorded evidence declares half-castes to be more liable to disease and of shorter life than either parent." Col. Smith, in his "History of the Human Species," doubts exceedingly "if a half-caste family does or could exist in any part of the tropics continued to a fourth generation from one stock." Dr. Knox in his essay on "Hybridity," affirms that mulattoes are the shortest lived of any class of the human race, and, in his "Races of Men," he says "with the cessation of the supply of European blood mixed race of all shades must cease."

Deterioration in brain capacity and physical power are grave evils. Even Rawlinson makes this admission. "The absorption," he says, "of the negroes by the whites could not but in some respects and for a time tend toward a deterioration of the stock." How long does he expect this to continue? Wilson, in his "Pre-historic Man," states that when the grade of quinteroon is reached the negro type has disappeared, and Rawlinson adds that, if the present black population intermarry freely with the whites, the grade of quinteroon would be reached generally within a century.

I have collected numerous facts from Bancroft's and Hildreth's histories, from the daily press, and recent review articles, which prove beyond dispute that the negro has not in the past, and does not today, enjoy in the North the real social equality which is accorded to him in the South. There is no indication of a future change, but if at any time he objects to living in the North and West, socially ostracised, as an alien and inferior, he has the option of migrating to his southern home.

In the Southern States amalgamation assumes a different phase. In seven States there are, in round numbers, 4,000,000 negroes and 4,000,000 whites. The negroes are very evenly distributed among the whites. There is only one large city in the seven States; only thirteen with a population over 10,000; only seven larger than Schenectady; only three larger than Utica.

I offer this suggestion: Amalgamation is actually taking place today. Southern estimates prove it. This will continue. The negro is making rapid progress. Charleston, Memphis, and New Orleans papers no longer deny that he is advancing. He will continue to acquire property, will become educated, will gradually assert and maintain his political equality, will approach more and more to the social level of the whites in his own midst. Thirty years from today, in numbers, in the aggregate of wealth and intelligence, the negro, outside of New Orleans, Charleston, and other large cities, will be the superior—the Caucasian the inferior race.

In seven States, the races today are equal numerically, and even now amalgamation would result in the absorption of the *whites*, not the *blacks*, and the product would represent a brain capacity in no way superior to the pure negro. Fifty years from today, when the negro will surpass the whites as two to one, and one hundred years from today, when the proportion will be four to one, the mon-

grel race will then represent brain capacity decidedly inferior to the negro of pure blood. Southern blacks will not move North; Northern whites will not move South, so that amalgamation in the United States means simply this: The absorption of Southern whites by Southern blacks, and a mongrel product resulting, which will be inferior to either of the original elements.

To amalgamate the 6,000,000 blacks, their general distribution and immediate union with the whites throughout the United States is assumed, and yet to effect their absorption will require no less than one hundred years. Amalgamation, if it is to affect the entire nation, is emphatically not desirable. Its possibility is a different consideration. In discussing this question Rawlinson and other amalgamationists have made a common initial blunder. They have assumed that the 6,000,000 negroes were to be absorbed by the 43,000,000 whites. This can never be. The blacks will remain personally in the States designated. The 500,000 in the Northern States, we may assume, will never be amalgamated. Amalgamation is the resultant of social equality and intermarriage.

The solutions offered for the negro problem by writers of today are two — (1) Amalgamation, (2) Colonization. Ultimate absorption of the blacks is impossible, as we have seen. This plan may be dismissed. The plan of exporting and colonizing the blacks — advocated by Jefferson, Madison, Henry Clay, and the early abolitionists — has been revived and advocated as the only possible solution in the last February number of the *Popular Science Monthly*. But it seems strange that any practical person should advocate such a scheme. The negro is a citizen. To deport him to Mexico, Central America, or anywhere, his own consent must be secured. As a citizen he is proud of his citizenship, and it is folly to expect that he will voluntarily expatriate himself. This plan may also be dismissed as purely chimerical.

In Edward E. Freeman's lately published "Impressions of America," occurs a very brief reference to our race difficulties. "The negro difficulty," he says, "must last either till the way has been found out by which the Ethiopian may change his skin, or till either the white man or black man departs out of the land. The eternal laws of nature, the eternal distinctions of color, forbid the assimilation of the negro." Supported by this high authority, I cannot be alone in what I say.

The removal of the negro is impossible; any general amalgama-

tion in the United States is impossible; amalgamation in the South is possible, probable, and in actual process of fulfilment. Hence, either (1) the whites must emigrate from the South, (2), must amalgamate with the blacks, or (3), must remain an inferior element, and submit to negro supremacy and rule. The more wealthy whites will gradually emigrate to the North, or to such cities on the outer border as New Orleans, Charleston, or Richmond. The remaining whites who prefer negro supremacy to emigration will gradually be absorbed by the blacks, and within one hundred years the seven States will actually be surrendered to negro supremacy. Whether the Federal Government will then welcome the negro to the national councils and, extending to him the protection of the courts and arms, will maintain him as a part of the body politic, is a question for conjecture. All the national traditions are against it. History teaches that unity of interest, which means unity of race, is the only safeguard of the republic.

Chinese immigration was then discussed by Professor Gardiner, on the ground of probable ethnic difficulties involved in unlimited immigration. He thought that "All men are created equal" has with us always meant "All men of *white color*," and our difficulties with the Indians and negroes should make us very careful in inviting new race complications.

European immigration was also discussed under the questions: (1) Are European immigrants being assimilated by the native American stock? (2) Does the rapid settlement of our public lands demand a restriction of European immigration? The necessity of maintaining the homogeneity and ascendancy of the Anglo-American element was emphasized, and the danger, which has been increasing during the past fifteen years, from "German elements" and "Irish elements" was discussed. Our public lands, (as stated in a private communication from Commissioner McFarland, under date of March 3,) remaining undisposed, number 1,241,836,891 acres. Deducting public lands of Alaska and Indian reservations, and taking the disposal of the last year as a basis, every acre of the public lands of the United States will be disposed of within fifty years, making not a single acre's allowance for barren lands or for increased demands of immigration or native consumption. Good statisticians estimate that the limit of arable lands will be reached within twenty-five years. These figures have a startling significance. According to the ratio of increase fixed by the last census,

our population will be in 1980, 528,000,000, without the addition of a single immigrant from this day — one hundred and seventy-four to the square mile, or nearly double the present ratio of China. We owe it to ourselves to provide for the future. The interests of humanity and of the American republic are identical, and we can best conserve the interests of humanity by conserving the purity and vitality of the American people, and by reserving for ourselves a home for future development and national growth.

THE RACES IN INDIA.

After the paper by Prof. Gardiner, Mr. P. C. Mozoomdar said :

The population of India numbers 250,000,000. This includes English, French, Germans, Arabs, Persians, Armenians. The European element will not exceed 100,000, of whom 60,000 are British soldiers maintained at the expense of India. The Mohammedans are about 60,000,000. About 180,000,000 are Hindus of different sects and races. In each caste we may find several races represented. There are 3,500,000 Buddhists, and 1,000,000 Christians, among whom the Roman Catholics predominate. The Mohammedans of India out-number all the rest of the Mohammedans in the world. But these Mohammedans are not an un-mixed race. Every military conquest by the Mohammedans meant a conversion of the conquered. Forcible conversion was the general law ; and great tribes of Hindus were thus converted into Mohammedans. The Hindus never made any conversions. The convert to Mohammedanism became alienated from Hindu society forever. The Mohammedans include many Hindus in race. In Southern India there are large settlements of Buddhists and Jines.

The Jines are not numerous, but in pecuniary power they are overwhelming. In their temples, you are surprised at the display of wealth. The great feature of these Jines is their superstitious regard for animal life. They respect the life of ants, insects and bugs, and feed them. You will find wealthy merchants buying sugar to feed the ants ; and when an ant is killed by a neighbor, they will break each others' heads over the destruction of ant life.

Of the native Christians of India, more than one-half are said to be Roman Catholics. The earliest missionaries to India were Catholics. These native Christians represent anything but the Christianity of the western world ; they know more about fights than about Christ and the Bible. In times of famine and of epidemic, the Christian missionaries have done incalculable good. Before the Government acted, the missionaries distributed food and medicine along with the Bible. The Hindus are very susceptible to kindness ; and when the missionaries demanded conversion in return, great tribes of Hindus of the lower classes came over

into the Christian fold. The higher classes are all but untouched by the propagandism prevailing among the lower classes.

The Hindus are much more attracted toward the Roman Catholic priest than toward the English Episcopal clergyman. They see the priest walking, living very simply; and they see the English clergyman riding in his carriage, taking claret, or, perhaps, brandy, with his breakfast; and they remark the difference. But the doctrines of the Romish priest are rejected by the Hindu intelligence. The Romish priest commends himself to them by his life, but not by his doctrines.

Bengal is inhabited by the Bengalese, of whom I have the honor to be one. The Bengalese form the most intelligent race of the Hindus. Mill and Macaulay were very severe on the Bengalese. This hostile criticism was based on the physical weakness of the race. Their criticisms are one-sided and extravagant. The toughest battle with which the British had to do was fought in Bengal in 1756. The Bengalese shine at the bar and on the bench, and in the practice of medicine. The Bengali literature is spreading every year. The Brahmo Somaj was founded in Bengal. But I feel nervous in speaking of the community to which I belong.

The Marattas came from an Aryan stock; they are short and thick set. They have been known in history as a martial race. The Mohammedan who conquered every other race got thrashed in the Maratta mountains. In intelligence, they are next to the Bengalese. If the British Government dread any race, it is the Maratta; he is strong and restless. All western India is filled with this race. In Bombay, there is a Brahmo Somaj, second only to that at Calcutta. I have addressed, in Bombay, audiences of 2,500.

The Sikhs are a noble race of men. They are monotheists. If it had not been for the Sikh regiments in the British army in '59, I do not know where the British Empire would have been. Lord Lawrence became an object of gratitude in England, because he kept the Sikhs loyal. They are almost always over six feet high, with mild eyes under which is a glare of fierce courage and undaunted firmness.

Southern India contains many tribes; they are dark-skinned, more fat than muscular, with rather flat features. But they are more susceptible of progress than the people of Northern India.

How have these races been preserved? Have they run into each other? No. Indian races have always been preserved separate. What is the secret of this separate preservation of the nationalities? It is *caste*. Caste in India has not been an unmixed evil. The Hindu races may be deficient, but they are pure races; and Emerson justly says that nationality respects races, not hybrids. We have no hybrids in India; and thus far we have survived invasions and the wreck of things in general. The Brahmin could marry all

castes, but no man of inferior caste can marry a Brahmin woman. But in latter times the liberty of Brahmins was contracted, and for the past two centuries the castes have been preserved unmixed. Hence, the monopoly of intelligence and character; the higher you rise, the more intelligence and nerve you find.

In former times, these races fought with each other; but now, under the beneficent rule of a Christian nation, these animosities have ceased, and the races are today formed into a common nation. The British now fear that the Indian races may unite in one nation; hence some unscrupulous officials foment jealousies among our people.

The Hindu is a religious being; religion goes deeper far with him than any other consideration. Now that we try to form a synthesis of ideas, I feel confident that, by the blessing of God, once more the Hindu race shall be united in a brotherhood not unworthy of admiration. We trust that we shall be one household of God. I ask you to give us the inestimable gift of your sympathy and fellowship, that we may claim not only the Aryans of India, but of the West, as forming one brotherhood.

On Wednesday, September 5th, Mr. Mozoomdar gave the following information concerning

THE WOMEN OF INDIA.

Woman in India has hardly any other function than the domestic. The word "Zenana" is an Arabic word, meaning "the part of the house devoted to the women." The inmates of the Zenana cannot come out into the apartments of the men. The Mohammedan Zenana is very like a prison. In Bombay, the ladies go about the streets with entire freedom; but not in Calcutta or Delhi, because there the Mohammedans are in large numbers, and the women are not safe from insult. The Brahmo Somaj are trying to relax this seclusion, not entirely, but gradually. There is very strong opposition among the refined women to this emancipation; they want to try the experiment gradually. Ladies in different families exchange visits; but, as they cannot walk in the public streets of the cities, they have to be carried, and this is a matter of expense. The women are generally vigorous and strong. They are not idle; some of them read, even read Sanskrit. They are married very young; every Hindu girl is destined to marry; she must marry between nine and twelve. The Brahmo Somaj is trying to break up the early marriages. The re-marriage of widows has now legal sanction, but not moral sanction. The girl may be a widow at eleven, and from then to the end of her life she is an ascetic; eating but one meal in a day, and on fast-days not even taking a drop of water to quench her burning thirst. It is very strongly felt that a woman may not have two husbands in her life. In the Brahmo Somaj, women remarry. In native states and in

out of the way corners, the burning of the widow sometimes exists ; but as a general thing, it is suppressed.

There are households into which no male medical practitioner can be admitted ; the women would rather die than to have a male physician. Hence a great demand for quack medicines. Hence, also, a demand for female physicians. If you send out any female physicians, send the very best.

The Hindus do not understand the English courts very well ; they are perplexed, and do not know what they say ; hence they have the reputation of being perjurers. The English judges sit far above the common herd of people, and they do not speak a word of the vernacular. We are very well satisfied with the justice administered by the English courts, except when it is between white and colored.

There were so many wars in the olden time between the tribes that the British, by preventing these, have done great good to the people. But the English make themselves very much hated by the superiority which they assume, by treating the people as so far below them.

In the army, a native cannot hold any commission ; he can be a sergeant or corporal, but no more.

The taxes are very heavy. The former rulers were tyrants, but now and then they were impulsive and generous. But now there is no impulse ; the taxes *must* be paid.

The Hindus are naturally a water-drinking people ; a great harm is done by the introduction of ardent spirits.

The lower you go in the scale of caste, the greater the liberty of the women. The lower classes are not considered high enough to be under the guidance of laws. The Hindu women are more conservative than the men.

II. THE RELATIONS BETWEEN EMPLOYERS AND EMPLOYED.

BY MRS. SARAH H. BOLTON, OF CLEVELAND, OHIO.

(Read Friday, September 7.)

A little time ago we visited the large publishing house of Cassell, Petter & Galpin, London. Nearly a thousand men were busy at the presses or preparing woodcuts, giving to the people the great need of the age, cheap yet good literature. All worked with enthusiasm. What was the secret of it? Was it because they received fair wages? Not that alone. Was it because they were treated with the courtesy due from one man to another, be he hod-carrier or millionaire? Not that only. They were sharers in the profits of the firm. Every book printed was their book. Every hour wasted was their loss. Of the capital, \$200,000 is held by about 300 employés, who have been able to buy stock. Two hundred and seventy-two others, each by the payment of twenty-five cents weekly, in three years and a half become partners. Those unable to save even this, if their salary be less than \$1,500, after five years of service are helped to partnership by the Provident Society, established for old or disabled employés. "Profit-sharing" of employers with the employed, is gaining ground abroad. Professor Sedley Taylor, late fellow of Trinity College, Cambridge, who has written much and ably on this subject, has given a detailed account of several of the more than one hundred firms already using this method in Europe.

The Paris and Orleans Railway Company, with 15,743 employés, has practiced profit-sharing for forty years. The entire sum allotted the men over and above market wages during this time has been \$11,000,000. Formerly a bonus was paid in cash—now it is compulsorily invested for a retiring life pension, when the employé is fifty years old. Messrs. Chaix & Co., publishers, give 15 per cent. of the net profits to their workmen. The amount distributed in ten years has been \$125,000. One-third is given in money, one-third to their Provident Society, and the remaining third is received after twenty years of labor. A single incident will show the interest manifested after profit-sharing was introduced. Two workmen setting type had each a lamp. They at once moved their frames together, and blew out one light to save expense for the firm of which they were now a part. The proprie-

tor has also organized a school for his apprentices, where history, book-keeping, drawing, chemistry, etc., are taught. The pupils are promised two cents for each attendance, and at the end of the month receive this for spending money.

The Company of General Insurances has for thirty years divided 5 per cent. of its profits among its employés, in proportion to their individual salaries. This is accumulated at 4 per cent. compound interest, until the workman has been twenty-five years in their employ. The sum assigned has been nearly \$1,000,000.

I was interested in the immense Bon Marché, after seeing the rooms where the 2,300 clerks take their meals, and where many of them sleep, to learn Madame Boucicaut's plan. Her husband and son having died, she is the responsible head. Of the \$4,000,000 capital, she holds \$2,500,000, while her employés hold \$1,500,000. After five years of labor in her house, all share in the profits, the sum being fixed annually by herself. This is put at 4 per cent., compound interest, till the men have worked twenty years and the women fifteen. The labor share, since the adoption of this system, seven years ago, has reached nearly \$100,000.

In 1878, a company was formed in Paris, to study profit-sharing, and report its progress. The annual bulletins can be obtained from our National Bureau of Education. The Maison Leclaire, with its thousand workmen, is well known. The founder, the son of a poor village shoemaker, coming, penniless, at seventeen to Paris, apprenticed to a hard master, determined in after years to aid those who worked for him. During the first fifteen years of his business they subscribed monthly to a mutual aid society. This fund was then taken into partnership. The profits are given, after taking out five per cent. interest on capital, one-fourth to the two managing partners, one-fourth to the aid society, and half in money to the workmen. The day before his death, in 1872, Leclaire wrote his partner: "Until sound learning shall have replaced ignorance amongst the masses, until the disenherited shall have strength to raise themselves to us, we must hold out a hand to them. Otherwise the rooted antagonism between the suffering classes and the more fortunate will never cease." He said: "It is better for me to earn 100 francs and give 50 to my workmen, than to earn only 25 and keep them all myself."

M. Bord, in his piano manufactory has for twenty years, after deducting 10 per cent. on the capital invested, divided the profits

proportionately with the workmen ; one part to the interest already allotted, the other according to the wages paid. Their share has been already over \$240,000. The paper mills at Angouleme, with 1,500 workmen, have a somewhat similar plan. In all these cases the workingman receives his daily wages at market price. If no profits are made he receives no share, but with his employer feels the general disappointment and loss arising from increased exertion with the hope of profit.

The result from profit-sharing has been excellent. Workmen have become encouraged to save, to do more and better work, to be sober and self-respecting, and to avoid strikes as detrimental to their own welfare. They are no longer eye servants, but responsible co workers. Ambition is aroused, and they desire homes of their own. Hon. Francis A. Walker says :

“ Many experiments and probably much disappointment and some failures will be required to develop the possibilities of this scheme and determine its best working shape, yet in the end, I see no reason to doubt that such a relation will be introduced extensively with the most beneficial results.”

Postmaster General Fawcett, in “ Pauperism, its Causes and Remedies.” page 165, says :

“ The public press often tells us how some iron master or some manufacturer has become a millionaire, but not a word is said about any advance in the condition of those without whose labor such vast wealth could not be accumulated. All experience shows that there can be no hope of introducing more harmonious relations unless employers and employed are both made to feel that they have an immediate and direct interest in the success of the work in which they are engaged.”

A letter received from one of England's largest manufacturers has these words :

“ I think when the time comes for coöperative production, it will solve many questions and destroy large manufacturing monopolies, raising the laboring slave to an independent and regenerating position in his own and our opinion. I am sure there is a strong feeling, in the mind at least of the intelligent employer of labor, that he owes his workpeople something.”

Coöperative distribution has already wrought wonders. The story of the twenty-eight weavers of Toad lane reads like a romance. Of course it is objected that such broad partnerships de-

stroy the privacy of business; that workmen are unwilling to share losses—assertions well answered last year by Professor Taylor before the Manchester Statistical Society; and that wages are better in America than elsewhere, therefore labor should be satisfied. The recent great strikes in our own country, saying nothing of the 2,352 in Europe since 1870, show that there is still dissatisfaction, both with length of hours and wages. Doubtless we shall help to save our Sabbath by the adoption of the English half-holiday on Saturdays. The man who works from sunrise till sunset, scarcely knowing that the flowers are growing about him or that the sky is blue above him, must have some time for fresh air and sunshine. Shall we not also eventually help to solve the labor question by “profit-sharing?”

A hopeful sign of that future when, as the lamented W. Stanley Jevons said: “The workman’s interest shall be bound up with those of his employer, and pitted in fair competition against those of other workmen and employers,” rather than workmen banded together and employers together,—is the fact that never before were employers building so many tasteful homes for the employed as now. In Sweden model dwellings are erected, with the intention that the workmen, by annual payments, shall become the owners. They are usually designed for two families, three rooms for each, the rent about sixteen dollars a year, paid for by their vegetable gardens.

Mr. Krupp, at his steel works in Essen, Prussia, where 17,000 men are employed, has already built about 3,000 houses for them. He has also established schools and a reading-room. When ill, they receive half-pay and are cared for in the hospitals without cost. Saltaire, built by Sir Titus Salt for his 4,000 workmen, is clean and attractive with its two-story houses of light stone, its flower beds in every front yard, its handsome hall, used as a library, museum, and for class-rooms, its park of fourteen acres, with cricket grounds and lake for boating, and without a single saloon in the town.

The 944 Building Associations in England and Wales, with a share capital of \$90,000,000, are making many waste places comfortable and healthful. Peabody, with his \$2,500,000, set an example that the world will more and more emulate. Fifteen of the worst localities of London have immense brick or stone blocks, with clean rooms and happy children. While each of the nearly 8,000 rooms

pays only about fifty cents a week for rent, the net profit on capital is from $3\frac{1}{4}$ to $3\frac{1}{2}$ per cent. Two other London societies have each spent \$1,500,000 for a similar purpose. Some towns in France are thus using their surplus capital, believing it to be a paying investment, as well as a humanitarian scheme. The work of Miss Octavia Hill, one feature of which is that wealthy ladies shall each look after three or four houses, collecting rents and giving helpful suggestions as to health and cleanliness, deserves careful study.

Neat, skilled and able-bodied workmen cannot come from squalid homes, where food is poorly cooked and ventilation and drainage unknown. A pot of flowers in the window of shop or home, and a picture on the walls, are wonderful educators. All through Scandinavia one sees flowers in every window, be the home ever so modest. What wonder that the people are honest, the doors of a Norwegian never being locked, and that they are most tender, alike to children and to animals?

Whatever may be thought of profit-sharing and home-building, humanity, as well as self-interest, must enlist employers in the *education* of the employed. The workingman has become an important factor in our civilization. Through his increasingly strong labor organizations, men will be sent to Congress to represent his interests. Power will not be wanting, but the wisdom of the legislation thus affected, with regard to monopolies, taxes on land, eight-hour system, etc., will depend largely on the education of the constituents. John Stuart Mill said of education, as a remedy for the ills of the working people, "It is indeed not the principal, but the sole remedy, if understood in its widest sense." Said Jules Ferry, recently, "Labor and schools—that is the law of the future. It is by these that the great American democracy is daily taking gigantic strides toward the almost incalculable greatness of its destinies." France herself is nobly doing her part. There are more than one hundred art classes for adults in Paris alone, all numerously attended, and chiefly by workingmen. There are also free courses of elementary and advanced lectures in every branch of literature, art and science, including modern languages, biology and mathematics, given by men of national reputation, to large audiences, composed mostly of workingmen. Especially does one see this at the College de France and Conservatoire des Arts et Metiers. Similar courses are given in all the chief towns. This

is a feature America might well copy for her adult population. Where is our South Kensington Museum, with its science and art schools all over the United Kingdom, with evening classes for artisans at seventy-five cents a month?

The workingmen's colleges of London, the first organized in 1854 by Rev. Frederick Denison Maurice, assisted by such men as Ruskin, Rossetti, Cave Thomas, and others, are not only the best possible prevention of socialism, but the best aid to good citizenship. Thomas Hughes, M. P., is president of one college with 700 students, and Rev. Stopford Brooks of another. The course is so thorough, that some of the students have taken the B. A. degree of London University. The charge for tuition is small — twenty-five cents a term for Greek or Latin. Each Saturday evening free popular lectures are given by eminent scholars. Dr. Birkbeck began a somewhat similar work thirty years before, and his institute has become the parent of 1,000 others in Great Britain.

The "Workingmen's Club and Institute Union" is an association of 550 clubs, for mutual improvement by lectures and libraries, and for recreation. Mr. Hodgson Pratt is its leading spirit. Only recently 1,000 of its 75,000 members were entertained at the South Kensington Museum by the president and his wife, Sir Thomas and Lady Brassey. How different the position of the intelligent workingman of today from that of the Helots of Sparta, put to death at will, or the Roman peasant, sold like the ox, with the land on which he labored!

We visited, with great interest, many workshops abroad, always finding where most was done for the employed, there most was also done for the employer. In the large engineering works of Messrs. Tangye, in Birmingham, with 2,000 men, lectures are given twice a week, during the dinner hours, on political or general subjects, the men often suggesting the topics. Evening classes are held, a library provided, and a visitor for the sick. Breakfasts and dinners are furnished, the latter costing from twelve to sixteen cents. It is a comfort to see the men eating this rather than a cold dinner from a tin pail. Perry & Co., pen makers, have a dining-hall, with complete kitchen apparatus. They loaned the committee having it in charge sufficient money to purchase food at the start.

The firm also fitted up a theatre, and purchased a lantern for dissolving views. Several firms have bought brass instruments for the bands organized among the men.

Cadbury Brothers, in their large cocoa works, covering three acres, employ over five hundred persons. Especial attention is paid to ventilation and proper light. A cricket and football ground is provided for the men, and a playground with swings, etc., for the women and girls. Large dining-rooms are furnished for both sexes, where they can warm or cook their dinners over gas stoves; eighty chops can be cooked in ten minutes. From 9.15 to 9.30 every morning, the workpeople meet for a religious service. The wife of the leading minister of Birmingham gives most interesting health lectures to the wives of workingmen. Three firms in Manchester have institutes attached to their works. Others, every pay-day, give each of their three or four thousand men a paper or magazine. Penny biographies and histories are scattered widely. Rev. H. R. Haweis, the well-known author, has been an ardent promoter of this. The man who works ten or twelve hours a day has no time for two-volume novels or six-volume histories. The man or woman with leisure owes it to humanity that he or she use it for those who are obliged to toil.

In the immense works of Hudson & Co., at Liverpool and London, cocoa rooms are provided, where cocoa or tea are served at a cent a cup, a bun at the same price, with jam, meat, etc., at low rates. The profits made on the refreshments are distributed by a committee of the workpeople as they see fit. At the end of these rooms there is a stage for concerts, private theatricals, or bowling. A piano is also furnished. De La Rue & Co., printers and lithographers, some thirty years ago, organized a Factory Tea Society, to give tea with the evening meal at five o'clock daily, with tea and sugar to be taken home on Friday evenings. These being purchased at wholesale, were sold to the workmen at a fair profit, and the money put aside for their provident fund. Last year the profits were \$2,500. More than 27,000 gallons of tea were sent in hot cans to the workmen. They pay weekly at the rate of two cents a pint. The fund is used in sickness or death.

James Smeaton & Sons, near Dundee, employ about five hundred persons in weaving. They provide a piano and harmonium in a hall accommodating six hundred, used as a school-room during the day, and for classes and lectures in the evening. They pay a librarian to take charge of a good library. Samuel Morley, M. P., a man of great wealth and great charities, is at the head of the Provident Society among his men. In a letter he says: "In

a large number of cases libraries with reading-rooms have been established by firms for their young men, and these are well used and appreciated. The best way to promote benefit and provident societies is, I believe, to second the efforts made by the men themselves." How nobly he has done this, the figures in last year's report abundantly testify. In Switzerland, the workmen, in their associations, provide lectures on social and political questions. In remote communes, if there is no one else to do it, the workmen themselves prepare the lectures.

Somewhat similar work collated in our own country from Pullman, Fairbanks, Wanamaker, the Waltham Watch Factory, the Pacific Mills, Lawrence, Mass., the Passaic Rolling Mills, N. J., and elsewhere, would be helpful. Every State, and the nation as well, needs a labor bureau as ably managed as that of Massachusetts. Then we should know how long our workpeople labor, in what homes they live, and whether or not justice is done them. The State should be interested in the best good of every citizen. It is superfluous to say that a more general education is one of our greatest needs. Mormonism would die were it not for ignorance. The population question needs but the light of political economy. The masses are led by the unscrupulous. Dr. Haygood, of Georgia, rightly says: "A man who does not know that voters ought to be able to read and write, does not know enough to be argued with." And yet we have in this country 3,000,000 whites over ten years of age who cannot write, and a larger number, even of the colored in the same deplorable condition. In Germany in 1870, only 12 per cent. were illiterate. In the United States that year there were 20 per cent. In the last sixty years over 11,000,000 immigrants have come to us. Last year the average was over 2,000 a day. Professor Walker says: "If the State will see to it that the whole body of the people can read and write and cipher, that the common air and common water are kept pure, and that the first feeble efforts of the poor at bettering their condition and 'saving for a rainy day' are guarded against official frauds and speculative risks, it may take its hands off at a hundred other points and trust its citizens in the main to do and care for themselves."

Postal saving banks, such as England has tried so successfully for twenty years, with life annuities, will remedy "frauds and speculative risks," and be of great value to the poor. The gov-

ernment must do much for education, and yet we shall doubtless be obliged to have many Peabodys and Slaters before the work is accomplished. The elevation of the world comes largely from individual effort. I know a minister who teaches large classes in botany, gratuitously, that his people may have minds above the trivialities of life, as well as honor the Maker of the plants and flowers about them. The Chautauqua course of reading, started by Dr. Vincent, is doing incalculable good among the people. The country has also much to hope for the higher education of women, because of the consequent elevation of society and a race of educated men born of educated mothers. Common school education would be a blessing, if for no higher reason than that it increases the income of the laborer from twenty to fifty per cent. In the near future technical education will fit men and women to earn their living. Each large city can do at least what has been done by the business firms of Cleveland, O., in its Educational Bureau during the past two years. Mr. C. E. Bolton, after several trips abroad, determined to enlist the city in more general education for the working people.

For six weeks, each noon and night, he visited nearly every mill and factory among our 200,000 people, and with the hearty concurrence of employers gathered the men around him for ten minutes, speaking from box, counter, or anvil. Twelve entertainments were offered them for one dollar, eight cents each, with the gift each time of a condensed graphic book of forty pages. Over 4,000 took course tickets, among them 400 teachers in the public schools. Fortunately, a wealthy and generous man, Mr. W. H. Doan, had built a plain tabernacle for the use of the people, and this was packed every Saturday evening, hundreds going away, unable to gain admittance. After a half-hour concert by a trained orchestra, the people stood for five minutes, and then listened to a lecture by Beecher, Gough, Tourjee, Joseph Cook, and others. The books were on astronomy, geology, histories of England, France, or the United States, health, manners, etc. Crowds came in from the suburbs. One man who had walked six miles, only to find the doors closed, said: "I don't mind the loss of the lecture so much, if I can only have the book sent me"; and he left two cents with a stranger for postage. On the last night, which is made a special occasion, the Tabernacle being trimmed with flags and flowers, little tickets, called "red options," are sold for

twenty-five cents, transferable some months later for a regular ticket. One sick workman, out of money, offered to give his note for the twenty-five cents, because he could not bear to lose the lectures.

The second year, twenty entertainments were given for \$1.50; ten indoor lectures, preceded not only by a concert, but by a half-hour prelude on the Eye, Architecture, Glaciers, or other useful subject, often illustrated, and ten outdoor concerts on the public square, under an electric light of 32,000 candle-power. The people, therefore, had concerts, preludes, and lectures in winter, and also in summer, with nearly 5,000,000 pages in the books, for seven and one-half cents each evening. After paying all expenses, \$1,000 were put in the bank the first year, and over twice that amount the second, to be used, it is hoped, towards a People's College, a large public building, with hall, art gallery, and institute where drawing, wood-carving, telegraphy, etc., may be learned, and many of the things made or grown in Ohio exhibited. This self-supporting Educational bureau is upheld by a committee of one from each of the leading firms of the city. The president, Gen. M. D. Leggett, is also president of the Brush Electric Company. Hon. John Eaton, Commissioner of Education, who, as well as the press, has given the plan his hearty commendation, opens the course the coming winter. Last year, a debate on Free Trade versus Protection, by Professors Sumner, of Yale College, and Denslow, of Chicago, drew an immense audience. This winter woman suffrage will be debated. A course of lectures on cooking will be open to the wives of ticket-holders. Over two hundred letters of inquiry have been received from cities and firms, showing that there is deep interest in whatever elevates the people. Does the work pay? Ask anybody who has watched the 4,000 eager faces as they listened to every word of the speakers, or carefully read the little books, having them bound at the close of the season for twenty-five cents each. Ask those who work sixty hours a week by a heated furnace, or an oil tank, eating a cold dinner, and going wearily home by gaslight.

III.—CHILD-HELPING AS A MEANS OF PREVENTING CRIME IN THE CITY OF NEW YORK.

BY C. LORING BRACE, ESQ., SECRETARY OF THE CHILDREN'S AID SOCIETY,
NEW YORK.

(Read September 7, 1883.)

Thirty years ago the Children's Aid Society began its labors for aiding, educating and reforming the poor children of New York city. Owing especially to a poor foreign immigration, and to the crowded population of the lower wards, there was an incredible number of vagrant, homeless and criminal children at that time in the streets of the city. The hope and plan of the writer were to remove these evils by three different classes of agencies.

I.—THE LODGING HOUSES.

In 1854 it struck me that great numbers of the street children could be saved if some sort of lodging houses could be opened for them. I dreaded the effect of almsgiving, and therefore was resolved that these boys and girls should pay a small sum for the benefits we offered them. The first means for the proposed charity were procured from personal friends, and then a beginning being made, our infant Society adopted the new plan. The house was to be called the "Newsboys' Lodging House," and was opened in an old room in the "Sun" building, on the corner of Fulton and Nassau streets. Simple "bunks" (like steamer berths) were prepared for the boys, washing and cleansing arrangements were provided for them, a plain nourishing meal was afforded them, and a room was opened, in connection with the house, where the boys could sit of an evening, where school could be held in the winter and religious meetings on Sunday evening. The lodging-house, it will be seen, was a sort of combination of boys' hotel, school and chapel. Each lad was charged, for the use of these privileges, six cents per night, and six cents each for supper and breakfast. The boys soon understood that they got a great deal for their money, and they came gladly. A good, clean bed, freedom from vermin, a plain nourishing meal, and a pleasant room, with only a very moderate charge in money, proved great attractions. They were a class of youth who did not enter the public schools or the churches, and what moral and mental education they received

would come mainly from us. One of their special vices was gaming and extravagance with their money. To cure this we opened a Savings Bank and offered a high rate of interest. We taught them order, cleanliness and good morals, and wherever we could, brought religious influences to bear upon them. We insisted on attendance at the night school, and strove in every way to increase the self-respect of each lad. Where a boy was entirely penniless, the Superintendent advanced him money to support himself by some street trade. In consequence, each lad kept the habit and feeling of independence, and paid something towards his own support. The wild street boys under this patient discipline began soon to assume a new appearance. They were more cleanly, orderly and careful of their language. They saved their money and began to have the sense of property. They were anxious to learn in books, and soon looked forward to taking up some settled occupation in the country. Many of them felt the effect of religious truth and began to lead better lives. The whole was a simple, practical method of reform for vagabond youth who could not exactly be reached by the law. This "Newsboys' Lodging House," founded in 1854, was the first that I am aware of, of the kind, in the civilized world. It will be interesting to give its statistics, and show what progress has been made since it was first opened.

There have passed through it during these twenty-nine years, 187,852 different boys; the number of lodgings being 1,346,166, and the number of meals 1,359,728. From these boys, 14,832 were returned to their friends. The total expenses have been \$318,125, towards which the receipts from the house itself were \$115,523. The amount saved by the boys during these years has been \$55,567. The sanitary results in this house have been truly remarkable. Among the 187,952 boys during the twenty-nine years there has been no case of any contagious or "foul air" disease, not even ophthalmia. Only one death (from pneumonia) in 1858 has occurred, though there have been several cases of accident. One mild case of scarlatina occurred for the first time in 1882, but the boy was a servant, not a lodger, and brought it from outside.

In addition to this lodging-house, five others have been founded, four for boys and one for girls. In all these houses during the last year, 14,122 different boys and girls were fed, sheltered and

taught, at a total expense of \$58,690. Deducting the receipts, together with cost of construction, \$33,072, the net cost was \$25,618. Dividing this by the nightly average attendance, the average cost to the public for each child for the year was about \$40.50. Any prison or poor-house would have cost the public over \$100 for each of these youths.

II.—INDUSTRIAL AND HALF-TIME SCHOOLS.

In a large city like New York, with great numbers of ignorant foreigners, and with crowds of exceedingly poor people, it is found that the public schools, free though they be, do not fully reach all classes. Numbers of poor children are compelled to labor on the streets as rag-pickers, bone-gatherers, boot-blacks, newsboys, peddlers, and in many other street trades. Many are kept at home, a part of the day, to take care of little children, or to aid their parents in housekeeping; many others are busy in factories and shops, as New York has become a very extensive manufacturing city. Numerous poor families are thus dependent on the labors of their children. These little boys and girls are also exceedingly dirty, and neglected in their clothing and personal habits, and the children of the respectable mechanics and well-to-do laborers do not like to sit on the same benches with them. They are necessarily irregular in their attendance, if they go to school, and they need more moral instruction and industrial training than do the children of the more comfortable classes. From this multitude of street children arose in former years the great proportion of the criminals of New York.

The "Industrial and Half-Time Schools" arose, as a necessity, to meet the wants of these youths. Such schools permit irregularity of attendance, which the public schools cannot. They send forth visitors and agents to gather in this class from the streets and the poor tenement-houses; they provide bathing and means of cleanliness. A simple meal is afforded to the most needy, and clothing is distributed as a reward for good conduct. Hand-sewing and machine-sewing, with other branches, are taught the little girls, and various industrial branches to the boys. Careful moral instruction is given these children, and there is more of a bond of a sympathy between the teachers and the pupils than exists in the Board Schools. They are to a great degree Mission and Reform Schools, yet no doctrinal instruction is permitted to

be given, for fear of arousing dissensions among the differing sects. The sole religious exercises are the Lord's prayer and a passage of scripture read without note or comment. The schools are, many of them, held in half-time sessions, so that an opportunity may be given to the street children to follow their occupation during a part of the day. A great point is made of cleanliness with the pupils, and wherever it is possible they are supplied with clean underclothing. The little assistance given to the pupil often enables a poor mother to school her child, who could not otherwise do it. These schools are under the supervision of the Board of Education, though controlled by private trustees, and they receive nearly half of their support from the "School Fund," apportioned according to their average attendance. The "Compulsory Law" which has been in execution for a few years past has brought in a certain number of children under their influence, but the law is not executed with sufficient strictness to produce very important effects, though an increase of attendance in the Board Schools is undoubtedly due to it. The great difficulty in regard to the law seems to be, however, that there are no provisions for compelling school attendance with such youth, as have an ostensible occupation in the streets. Many factory children, indeed, have been forced into half-time attendance.

The greatest good from these schools is seen in their influence on the little girls whose homes are in the vilest and poorest quarters. Many ladies of high position and education come down as "volunteers" to assist in these useful charities, and their influence, as well as that of the regular instruction in the schools, have been to save these little girls from growing up in vice and vagrancy. The statistics we shall give later, in regard to the diminution of female crime in New York, will prove the wonderful effect of these agencies. These various schools of the Children's Aid Society numbered, during 1882, twenty-one day-schools and thirteen night-schools, while 9,335 boys and 4,631 girls were taught by eighty-nine salaried teachers and forty-eight volunteer teachers. The daily average attendance was 3,676; 15,560 garments were made, and 9,135 were given out; 1,812 were the children of drunken parents, and 1,213 had been engaged in begging. These poor children saved during the year, in the schools' savings banks, \$910.30. There are in several of the schools some 1,500 children of poor Italians, besides great numbers of Irish, German, Bohemian, Hungarian, and other foreign children.

The total annual expense of all these schools for salaries, rent, food, clothing, books, etc., was, in 1882, \$86,489, which sum, divided by 3,676, the average number in daily attendance, would make \$23.52, the annual cost for each child. This is certainly a low cost, if it be considered how much is done in the way of charitable assistance for the pupils.

III.—EMIGRATION WORK.

A third powerful agency of the Society in reforming the youth of the city has been the placing out of poor and homeless children in country homes. This was begun in 1853 by sending out circulars among mechanics and farmers in the rural districts. Gradually it appeared that the best chances for these youths, and the greatest demand for their services, were to be found in the Western States. There a child, girl or boy, growing up in a farmer's family, becomes at length of great value to the employer. Such children are regarded as children of the household, and do the same labor as the other children. All the annoyances which are connected in a new country with hired servants are avoided by employing them. The family becomes attached to them and they to the family, and as they grow up they are often adopted by the employers, or inherit property from them, or receive gifts of land or cattle from the farmer. They are not indentured, and therefore it becomes the interest of both sides to satisfy one another. The children share in all the untold advantages of the Western States, and the experience of a Christian home and all the new influences about them make a profound change in their characters. As they are not criminals, or the children of criminals, but only poor and ignorant, and mainly the offspring of honest European peasants, the reform is the more certain and lasting. This is true of the younger children: With the boys and girls over fifteen, the danger is greater, and here is where the peculiar difficulties of our work arise. These youth, like all the working population of the United States, are very ambitious for higher wages, and constantly seek to change their places, often without sufficient reason. By this migration they frequently improve their own fortunes, but give great dissatisfaction to their employers. It is from this class also that whatever petty offences are committed (and they are not many) most frequently arise.

During the thirty years in which this charity has been in operation, we have placed out over 60,000 children, mainly in the Western States. We are sending out now about 4,000 each year, of whom more than one-third are girls. These youth have now grown up in their different villages throughout the West; they are not known usually as having been the *protégés* of this Society, as this fact is carefully concealed, but immense numbers of them now occupy positions of trust and responsibility, or have acquired comfortable fortunes, or are leading honest and respected lives in different parts of the Union. The girls have often married well, and are living in honored positions as wives and mothers. It is often remarked in the West that these children turn out better than the average number of children in Western villages. The Society for the first few years keeps a careful inspection of these children. The local committees write in regard to them; local pastors are employed to visit them; a great correspondence is kept up with the employers and the children; one resident Western agent is employed constantly in revisiting them, and the Western agents who take them return constantly to look after their companies. Cases of abuse are very rarely reported, but many changes are necessarily made. After a few years this inspection diminishes, and as these youth grow up they do not desire to be known as being in connection with charitable society. Still we receive many affecting testimonials of their gratitude, and now and then little bequests as mementoes of their good will.

Within the last few years we have made special investigations as to those sent out twenty, twenty-five and thirty years ago. In 1881, forty-five names, taken at random, of children along the Michigan Central Railroad, sent out from twenty-five to thirty years ago, were given to Mr. Fry, the resident Western agent. Out of the forty-five searched for, eleven could not be found or heard of. They may have been living in neighboring localities, but to search them out required too much time and labor. Of the thirty-four remaining, good accounts were received from all except one. They had grown up to be honest, respectable young men and women, some of them had considerable properties, some were religious in character, some were in profession, and all bore a good name, except one who had cheated his employer of two thousand dollars and gone off to a distant State. These thirty-four have not become distinguished in any way, but they have

proved to be respectable and useful citizens. The fifteen dollars spent in sending each one to a home in Michigan has transformed him from a thief, vagrant or vagabond, to an honest and useful man.

We had the satisfaction, in this very district in Michigan, of reviewing our work, some seventeen years ago. At that time it was clear that out of the many placed in that State, not more than three per cent. of the small children turned out badly, and not more than seven per cent. of the larger boys.

In 1882, another investigation was made by Mr. Fry, in regard to children sent out from twenty to twenty-five years since, taken at random, mainly in the States of Illinois and Indiana. From his report it appeared that almost every one of the children whose cases he investigated, and who have been in the West over twenty years, occupies now a good position in society. One is spoken of as a justice of the peace, who was graduated from college, and is now one of the leading citizens in his village; another, as the leading lawyer of the town in which he was placed, and as a candidate for the office of State Attorney; another, as a man of college education, also a lawyer and active in all religious work; two as well-known teachers; another, as a successful physician, who had made his way through college by his own efforts; another, as a successful artist; and still another, as nominated by the State convention as clerk of the circuit court, whose talent and character are highly praised; still another is a stenographer with a good salary, and a friend of his, a civil engineer. One is a prominent druggist, doing a large business, and a companion, an eminent musician.

The girls appear to have married well, and to be rejoicing now in happy and well ordered families. The results generally are in the highest degree encouraging.

THE COST OF THIS CHARITY.

During the past year, 3,957 persons were placed in homes and employment at an expense of \$35,540, for all salaries, railroad fares, clothing and other expenses connected with this branch of our charity. This would make the average cost for each child placed in a home, \$8.97. The same boy or girl supported in a poor-house, reformatory or prison, at public expense, would have cost probably about \$140 per annum. No outlay of money is certainly so economical as that for a preventive charity.

CHARGES AGAINST THE EMIGRATION WORK.

During the last National Conference of Charities and Corrections, held at Madison, Wis., charges were made against the Children's Aid Society by certain respectable gentlemen from the West, which showed, to say the least, extraordinary recklessness and carelessness as to the truth. Mr. H. H. Giles, of Wisconsin, stated that about seven years ago, fifty boys were brought to the State of Wisconsin, and that of the fifty, six were found in the Industrial Reform School at Waukesha. Mr. Elmore also said that he had seen "a score of them,"—the street Arabs—from New York, in this same school, and that when there they change their names so that it is not known that they came from this Society.

Mr. Fry, our resident western agent, accompanied by another agent, Mr. Schlegel, made a long and careful investigation of the records of the Waukesha school since its foundation. They searched each of the 2,022 pages carefully. Even if the boys had changed their names or their residences, the remarks under each record would have indicated whether they were or not from this Society. Only two were found which could by any possibility be referred to this association. They were as follows:

George Teely, age eleven, April 8, 1862. At the age of five was brought to Wisconsin by a Mr. Van Meter, agent of the New York Children's Aid Society, and placed with D. J. Bundy, Beloit, Wis. Committed April 7, 1862. Cause, incorrigibility. Remarks: George, having improved so well that he received the grade of honor, and having acquired more maturity of mind and strength of principle, at the request of Mr. Bundy he was permitted to leave the school and return to the family, October 22, 1865. May 19, returned again, having become refractory and unsteady. November 22, sent to a home on ticket of leave.

Mr. Fry's impression was that this boy belonged to the "Howard Mission." The next case is:

George J. Williams, age ten, January, 1869. Cause of commitment, larceny. Was brought West by an agent who was bringing a lot of boys, and placed in a home in Oconomowoc, Wis. Had been committed to the House of Refuge, Randall's Island, for one year previous to coming West.

It will be seen it is very doubtful whether either of these lads came from the New York Children's Aid Society, and yet we have placed some five hundred children in the State of Wisconsin. Messrs. Giles and Elmore may undoubtedly find other cases in this school from New England or the Eastern States, but we do

not propose to hold ourselves responsible for the children of any emigrant from the Eastern States who happen finally to be confined in the Waukesha Reform School, nor have we anything to do with those from other societies. The question is simply in regard to the children sent out by this Society.

These gentlemen, and several others in the convention, stated that no care was exercised in selecting the homes for these children; that no supervision was kept over them after they were placed, and they were in fact, abandoned in the Western States to make their living as they could. These statements are entirely untrue. The children are first sent to certain villages where there is a special demand for them, under charge of an experienced agent. This agent holds a public meeting in some hall or church; the citizens themselves appoint a committee composed of their most prominent men to consult with the agent and to decide on the applications. I have myself seen the committee reject applicants of doubtful character with great decision. The children are then carefully placed; subsequently the committee correspond with the central office. The agent also frequently employs a local pastor to revisit the children. He himself on a later trip reinspects his party; then it is the duty of the resident Western agent to revisit all the children needing attention. Beyond this, the central office keeps up a large correspondence with the children themselves and with their employers. The result of all this is a very thorough knowledge of, and care for, the children sent out by this Society.

It is true that the large boys, like all the laboring class in this country, are disposed to frequently change their places, seeking higher wages. It is this fact which has very naturally caused more dissatisfaction with the employers than any other in our work. Such boys are always described as having run back to New York, and yet the Society records will show that they have frequently gone farther west, and are doing very well. Thus, in the recent trip of our agent, Mr. Schlegel, in Kansas, he heard of a large boy sent out by Mr. Whitelaw Reid, at Ottawa, who was said to have gone back to New York. The very next day, however, he met the young man, who had a successful farm, twenty or thirty miles out, and had come into the village to "speculate in town lots." It should be remembered that none of these children, if they should become disabled or unfortunate in any way, are permitted to become chargeable on Western communities within a

reasonable term of years. We do not claim that these lads become saints, or all of them distinguished citizens, but that they turn out as well as the average children in Western villages. It is not borne in mind by the worthy gentlemen who have assailed us, that our work is on an enormous scale, and though the average of failures is small, yet to any given person at a certain spot in the West, the number of such children might seem large. Thus, in the convention, Mr. Chase, from St. Paul, reported that almost every month some of these boys appeared there who had run away from their places. Now, we have placed, within a radius of 400 miles from St. Paul, more than 1,500 children. A proportion of four per cent. among these youths, who had turned out badly, would not be large, and yet if half of these sixty children had drifted into St. Paul, any member of a charity board in that city would think that the New York orphans were succeeding very badly.

I am aware that in maintaining this position I struggle against the natural prejudices of excellent Western men, who believe that we are getting rid of our crime and poverty to put them on their shoulders. But we in New York honestly believe and are prepared to prove that this emigration of homeless children is not an injury to the West, but a blessing; that these boys and girls form a most useful portion of the working class of the Northwest, and that at least 90 out of the 100 grow up to be honest, decent, and industrious men and women.

We appeal to them too, on broad grounds of humanity. These unfortunate and homeless children, not as yet under sentence of the law, are their brethren as well as ours. They are the victims of the misfortune, poverty and crimes of others; they are not guilty of any offences themselves, and all that they ask for is simply a place at the table of life and a chance to work.

To prove the position of the usefulness of this emigration in detail is somewhat difficult, owing to the immense space the facts would occupy in a paper like this. We could give the list, if it was desired, and hundreds of the names of children in the State of Wisconsin sent out by this Society, who have been, and who are doing very well, but the repetition of these little histories would be tedious to this assembly. I will, however, indicate the salient points of a few of these, and then refer to towns throughout the State, where from one to three companies of children have

been placed. Could I summon the worthy citizens of these localities who have received the children, or the little ones themselves, who have grown up in these homes, they would make a cloud of witnesses which would be most encouraging and inspiring to all engaged in the work, and most convincing to objectors, but I must confine myself to a few very bare and dry facts.

CHILDREN IN WISCONSIN.

The objections in the Conference of Charities arose especially from citizens in Wisconsin and Minnesota. Now in these States we have made a very careful investigation, and have returns in regard to many hundreds of these children. If our objectors will visit in Wisconsin such towns and villages as Cambridge, Fort Atkinson, West Salem, Sparta, Black River Falls, Pole Grove, Trempealeau, La Crosse, and many others, they will hear about these New York orphans, how well they have turned out in the world, and how promising their career is.

Great numbers of these children have grown up to be men and women, heads of families with characters firmly established, having made a successful course in life. It would be a cruel wrong to these respectable young men and women to make their names public, as of those who had received charity. But if Mr. Giles will inquire in Cambridge, he will hear of one of these lads, Johnny W——, belonging to those children spoken of with such contempt by Mr. Elmore, who is superintendent of the Presbyterian Sabbath School, member of an extensive manufacturing firm at S——, Wisconsin, happily married and greatly respected and esteemed by all. At Fort Atkinson he will hear of numbers of our children who have grown up to be useful men and women; Maggie M——, married to a well-to-do and respectable business man, member of the Methodist Church and very much beloved in her circle; another married to the gentleman with whom she was first placed; another, Gustave K——, who has become Deputy Sheriff in Illinois; another, Albert his brother, still doing well with his first employer; and of still others equally successful.

If Mr. Giles could visit West Salem he would hear of William H. K——, who has been very successful and who fills an important position at Winnepeg; of Thomas S——, who has become a popular teacher; of Walter B——, who has a good position on the M. & St. P. R. R.; of William B——, who has recently died

and showed his gratitude to this Society by sending a bequest of \$100, and thus of many others. In Sparta, Henry C — (I quote the words of his employer), "does not need your Society's aid now; he started from here four days ago for Dakota with \$1,000 in his pocket to buy a farm. He is a good man and respected by all who know him. We are ready at any time to receive just such another company of boys, for these certainly have done remarkably well." Another boy, Albert H —, remained in Sparta a number of years, and then bought 320 acres of land in Dakota, where he is succeeding well; another, Johnny P —, who was the most forlorn little boy when he came, the last one taken by the farmers, today is himself a prosperous farmer with a well-stocked farm of 160 acres and substantial buildings. At Black River Falls, Pole Grove, Trempealeau, and near La Crosse, Mr. Giles will hear numbers of histories of the same encouraging character. It would be tedious to enumerate them.

Only one party in Wisconsin is distinctly mentioned by Mr. Giles as having turned out extremely bad. This is a supposed "company of fifty" in Dane County, six of whom were in the Waukesha Reform School. Of this company (which numbered nine instead of fifty, and none of whom were in the Waukesha School), sent out fourteen years since, we have an exact record. They were all large boys, of that kind, who, if they do not get sufficient wages in one place are very apt to go on to another. Only one of the nine committed a criminal offence, having stolen \$40 and returned to New York. Of the others, one, Thomas C —, is a successful printer in Boscobel; another, Charles W. B —, pleased his employers, but finally went to Chicago, where he is doing well; another, Henry H —, remained in his place until he was 21, has a good education and is doing well; another, George O —, disappeared, but turned up at length in Texas, where he succeeded, and has sent for his mother and brothers, and the Society has recently aided them to join him. Of the others, William J. H — is in Chicago, and only one has returned to New York. It often happens that large boys who leave their places in this way go on to other places where they succeed better, and are finally heard from in later years by the Society. This probably was as unpromising a company as was ever sent by the Society.

CHILDREN IN MINNESOTA.

In Minnesota the record is even more favorable than in Wisconsin.

We sent off some fifteen years ago a number of parties to different counties in Minnesota, numbering perhaps 145 children. The larger boys in these parties have changed about a good deal, as do all our working classes, but there is no record that they have been chargeable upon the communities, or have committed any crime, except in one case—a lad who was imprisoned thirty days for stealing. Within the last two or three years we have sent 260 children to Minnesota, mainly under the charge of our esteemed Western agents, Mr. J. Mathews and Mr. Trott, and, so far as we know, not a single one of these has committed a criminal offence or become chargeable to any town. In nearly all cases the villages have applied for a second or a third party of these children, and those who have been nearest the work have had the most favorable impression of it. To verify these statements I will refer to certain towns to which parties have been taken. In Worthington, Nobles County, Minn., seventy-one children have been placed on two different occasions; they seem to have given satisfaction, and we may refer to R. R. Miller, Esq., Sheriff of the county; A. B. Platts, Esq., Auditor, and Mr. Smith, of the United States Land Office. In Rock Rapids, Iowa, near Minnesota, we have placed at least fifty, and may refer to Rev. S. P. Marsh. At Albert Lea, Minn., we have placed forty-nine in two different parties. At Fairmount, Martin County, we have placed forty-eight in two different parties; at May, Martin County, nineteen; at St. James, twenty-nine; and at Lanesboro, twenty-six. No doubt, among nearly 300 children thus placed, there are individuals who have not given satisfaction, or who may have been obliged to be changed from one place to another, or may have been disposed at times to leave their situations without sufficient reason, but this is true all over the country of youths in similar situations. All that we say is, that in an immense majority of cases they have given satisfaction to their employers, and are growing up to be good citizens and worthy members of one of the best States of the Northwest. We believe that they will turn out as well as the same number of average children among the native working class of the State.

CHILDREN IN KANSAS.

Our work in Kansas, which has included many hundreds of children, has not been in any way questioned by the objectors, and is very popular with the citizens of that State. We have hundreds of calls from kind-hearted employers in that State for these children, far beyond what we can ever answer. These children include especially those which were sent out through the kind assistance of a generous friend of the poor, Mr. Whitelaw Reid, and also through the benevolent aid of one much beloved among the poor of New York, Mrs. J. J. Astor. Mr. Reid has been exposed to a great deal of petty abuse for his benevolent efforts in this direction, but if he could travel through the States of Kansas and Iowa, he would be abundantly compensated by seeing the great numbers of young men and women who have been saved from poverty and vagrancy, and have gained useful positions through his instrumentality. Out of the six or seven hundred children placed in Kansas, mainly through the devoted and self-denying efforts of the late J. P. Brace, who lost his life in the service, only one has been found in the State Reform School, and he committed only for "homelessness." It is believed that at least 80 per cent. have remained in the places in which they were put by Mr. Brace, and of the remainder fully one half are doing well in other places.

DIMINUTION OF CRIME IN NEW YORK.

The question now arises what this extended charity in New York City, with its nurseries, kindergarten, industrial schools, night schools, summer home, lodging-houses, and emigration work has accomplished in lessening crime in New York. The fruits are shown in the remarkable statistics of crime which we present below. It should be remembered that, during a portion of the period through which the following figures run, the population of the city increased from 814,224 in 1860, to about 1,200,000 in 1880, while, as usual, a great number of poor people remained here, left by the foreign immigration.

COMMITMENTS OF FEMALE VAGRANTS.

1857	3,449	1877	2,044
1859	5,778	1878	2,106
1860	5,880	1879	2,045
1871	3,172	1880	1,541
1872	2,243	1881	1,854

COMMITMENTS OF YOUNG GIRLS FOR PETIT LARCENY.

1859	944	1870	746
1860	890	1874	572
1861	880	1877	452
1863*	1,113	1878	475
1864*	1,131	1879	380
1865	977	1880	361
1869	988	1881	309

In regard to the commitments of young girls, it should be remembered, that our police statistics include now all those committed to Charitable and Reformatory Institutions, whereas, formerly, only those imprisoned were reported in these tables.

COMMITMENTS OF MALE VAGRANTS.

1859	2,829	1878	2,672
1860	2,708	1879	2,434
1876	1,960	1880	1,917
1877	3,253	1881	2,330

COMMITMENTS OF MALES FOR PETIT LARCENY.

1857	2,450	1877	2,346
1859	2,626	1878	2,210
1865	2,347	1879	1,844
1876	3,253	1880	2,011
1881	1,926		

COMMITMENTS OF BOYS UNDER 15 YEARS OF AGE

1864	1,965	1878 (under 14)	2,007
1865	1,934	1879 "	1,670
1876 (under 14)	2,076	1880 "	1,651
1877 "	1,930	1881 "	1,823

It will be seen from these figures that the commitments of girls and women for vagrancy fell off from 5,880 in 1860 to 1,854 in 1881, or from one in every 138½ persons in 1860 (when the population was 864,224) to one in every 647 in 1881 (when the population was more than 1,200,000). This certainly looks like some effect from reformatory efforts. Again, the commitments of petty girl thieves fell off from one in every 739 in 1863 to one in every 3,889 in 1881. Male vagrants also have diminished about 900 in

* This large increase perhaps due indirectly to the effects of the war.

twenty-one years, and largely in proportion to the population. Male petty thieves have fallen some 500 during twenty-one years, and greatly in the average to the whole number, as have also the commitments of boys under 15 years. One classification in the police reports, of what is called "juvenile delinquency," shows a like diminution of children's crime.

JUVENILE DELINQUENCY.

YEAR.	NUMBER ARRAIGNED.	MALES.	FEMALES.	COMMITTED.
1875	1,139	932	207	919
1876	1,186	888	298	976
1877	1,035	748	287	794
1878	905	654	251	605
1879	552	436	116	266
1880	628	499	129	357
1881	610	467	143	330

COMMITMENTS OF GIRLS UNDER 20.

ARRESTS.	COMMITMENTS.
1863 8,132	1877 2,657
COMMITMENTS.	COMMITMENTS.
1878 2,172	1880 1,758
COMMITMENTS	
1881 2,107	

GRAND LARCENY ARRESTS.

MALES.	FEMALES.
1874 1,356	1874 275
1875 1,263	1875 274
1876 1,077	1876 295
1880 811	1880 204
1881 771	1881 149

The above figures look certainly like a diminution of crime. A remarkable effect of all these reform movements is also seen

in the general reduction of crime in this city, as is proved by the following record from the Police report of 1881:—

YEAR.	TOTAL CASES	ARRAIGNED.		HELD.		TOTAL.
	DISPOSED OF.	MALES.	FEMALES.	MALES.	FEMALES.	
1875	84,399	60,331	24,068	36,841	17,814	54,655
1876*	87,307	63,789	23,518	39,180	17,904	57,084
1877	79,865	57,859	22,006	35,335	16,631	51,966
1878	78,533	56,004	22,529	35,271	16,515	51,786
1879	65,344	46,631	18,713	28,643	14,236	42,879
1880	68,477	49,801	18,676	31,539	14,819	46,358
1881	67,135	48,998	18,137	31,255	14,054	45,309

This remarkable decrease of nearly twenty-five per cent. in all crimes against person and property during the past seven years, is one of the most striking evidences ever offered of the effects of such labors as those of this Society. It has gone on regularly, in years both of business depression and prosperity. It proves that we are diminishing the supply of thieves, burglars, vagrants and rogues.

CONCLUSION.

This, then, is a sketch of the great work performed by the Children's Aid Society in New York, in diminishing childish misery, and in preventing juvenile crime. The Society employs nearly one hundred agents and teachers, and has under its charge during the year 36,971 different poor children. Its total expenses for the year 1882 were \$236,069, of which about \$100,000 came from public sources, the rest being contributed by private bene-
faction.

* The increase this year (1876) was due to the unusual number of Excise cases.

DISCUSSION ON CONVICT LABOR.

(Friday Evening, September 7.)

The only paper read in this discussion was by Mr. CHARLES ACTON IVES, of Newport, R. I., stating what may be called

A NEW PLAN FOR THE LABOR OF PRISONERS.

The following plan has been proposed for the reform of the labor system of prisons: it is proposed that all prisoners shall be paid the fair market price of the labor they do. That is to say, if the fair value of the work a prisoner actually does in a day be sixty cents, he shall be paid sixty cents; if its value be two dollars, he shall be paid two dollars; and if its value be nothing, he shall be paid nothing. It is proposed that, so far as may be, there shall be no restriction of the industries or honest occupations which prisoners may follow; that they shall be allowed to engage in trades and industries on their own account, and shall even be permitted to traffic with the outside world, so far as may be consistent with insurance against escape, and the commission of frauds or other unlawful practices. That is to say, if a prisoner wishes to be a shoemaker, and has the money to start with, let him be one. So let him be a watchmaker, or a maker of hats, or baskets, or of anything he pleases; or, if he wishes to work for any one else in prison, who makes shoes or watches, or hats or baskets, or anything else, let him do so. Let him also sell his shoes or hats, or watches or baskets, or whatever he makes, either to those in the prison or to others out of prison. Let him be a tradesman or a laborer, in the freest way compatible with the other requirements of his situation, and if he does not wish to work on his own account, he must of course work for the State at fair wages. It is proposed that all prisoners shall be entirely dependent upon their industry for their living and comfort, except in cases of sickness or other disability; that they shall pay all their expenses of living out of their earnings, and that they shall be allowed to earn and to save all they can under the circumstances. That is to say, if a criminal does work to the value of but sixty cents a day, he shall not have any more of the necessities or comforts of life (including his lodging), than sixty cents will buy. If he will not work for money to pay for his food, let him go hungry. On the other hand,

if a prisoner can, by industry, earn enough to be able to pay for better food or better clothing, let him have the better food and the better clothing. It is not proposed that prisoners shall be permitted to be extravagant; on the contrary, they should not, perhaps, be allowed to spend more than a portion of their earnings, beyond a certain amount. But improvement of their personal conditions, and to a certain extent, perhaps, of their accommodations, should be allowed, — this improvement and their very living, as has been said, being made to depend wholly upon their own efforts and industry.

This plan has been suggested by the consideration, *first*, that if labor in prisons is in no way connected with the reformation of criminals, and does not operate in any way as a warning to others for the prevention of crime, present systems of prison labor are wrong because, thus avowedly without purpose, they are at least unnatural and sometimes harsh and cruel; and *second*, if labor in prisons is, or should be, in any way connected with the reformation of criminals, present systems are wrong because they do not best tend to that reformation. In other words, we should not impose unnatural or harsh labor, if that labor will not accomplish any desired result; and if we have a purpose which may be served, directly or indirectly, by one or another system of prison labor, let us see to it that we choose that system which best suits that purpose.

As to the first consideration, whether labor in prisons is in any way connected with the reformation of criminals, or serves as a warning to others for the prevention of crime, it is doubtless true, that there are many criminals in prison who are wholly irreclaimable, and upon whose character or conduct when set free, no effect can be produced by any system of labor. To say that any criminals are irreclaimable is to say that they are beyond the possibility of being, by any system of treatment, changed for the better, and with regard to them therefore, one system of treatment being as completely useless as another, we may well ask why they should not be treated with perfect humanity, unless, by treating them otherwise, we may set up their treatment as an example and warning to others. If we have nothing to gain, we should certainly spare ourselves the trouble and the pain of inflicting useless hardships, and be content with the fact that by shutting up these men, we have served the purpose of present protection against

them, while awaiting only with anxiety the time when the law will set them free. If, under the law, irreclaimable criminals are set free after a certain fixed term of imprisonment, that is the fault of the law, and does not in the least alter the fact that they should be treated humanely, it being useless to treat them otherwise.

As to whether labor or even punishments in prisons operate as a warning and example to persons out of prison, so as to deter them from the commission of crime, it is believed that they do not so operate, and that persons who are tempted to commit crime do not think of the terrors of prison life, and that when they think at all of the consequences of crime, they do not consider more than the simple loss of liberty; the being set apart under lock and key from the rest of the world; the shame and stigma of conviction for crime, and the consequent loss of their worldly prospects and the friendship of society. The hard and grinding details of prison discipline are little known and perhaps never thought of by the world at large, and it is believed that their deterrent effect upon persons tempted to crime amounts to almost nothing. If this be so, it is perfectly clear that as to all irreclaimable criminals, and in all cases where there is no hope by means of prison labor to effect any improvement of a criminal's character or conduct, prison labor should be made as bearable as possible, consistent with the fact that the criminal is or may be a burden to the State. While there can be no doubt that all irreclaimable criminals should either be imprisoned for life or put to death, it is equally clear that they should not be treated inhumanely while in prison, and there seems to be no reason why this class of criminals should not be made to support themselves in prison, nor any reason why they should not also be permitted to lay up money and to improve their condition. The State, as to them, can do nothing further for its protection than to sequester them, and if it should make them support themselves, so that it shall be at no expense on their account, there can be no object in adding unnecessary and useless restraints. It would also seem that the same plan should be pursued toward all criminals who are imprisoned for life, and against whom that imprisonment affords permanent protection.

While, as has been said, all irreclaimable criminals should be imprisoned for life or put to death, it is also true that nearly all criminals who are reclaimable should not be imprisoned for life, and that the State should use every exertion toward their reforma-

tion while in prison, so that at the end of their term they should be no longer a danger to society.

This brings us to the second consideration, in regard to the connection of labor in prisons with the reformation of the prisoners. As to this, it is believed that the labor system of a prison may be made more efficient toward the reformation of the prisoners than all the rest of the prison discipline, and present systems seem to be wrong because they do not, by means of prison labor, appeal in the right way to the prisoner's interest. Labor makes up the sum of life, and interest in honest labor is what makes men labor honestly. Men are honest because they believe it their interest to be honest. The more men see of honest work the more they like it, and the happier they are. Men believe, and experience shows, that in the long run honesty is the best policy. Self-interest is ever the determining factor in men's actions. It does not seem unreasonable to suppose that this most powerful of all known moral agencies — self-interest — may be successfully applied to criminals for their reformation, and by enforcing upon criminals an experience (which many of them have never had) of honest rewarded industry, that they will come to see and to apply to themselves the advantages of honest rewarded industry. It should be remembered that perhaps not more than a very few criminals have fairly chosen between a life of honesty and one of crime, and that very many criminals are such, as much from force of circumstances as from full volition. With the world's manner of living they are unacquainted, and they have never had a fair opportunity of making an honest start in life. If these criminals should be made to support themselves in prison, and should be allowed to improve their condition and to save money, — should be given an experience from day to day, and from week to week, of honest rewarded industry, with nearly all its advantages and disadvantages, it does not seem unreasonable to suppose that they would see those advantages and disadvantages, and would compare them with those which follow a life of crime.

Let it be remembered that all we wish criminals to acquire is a preference for honest labor. Their religious belief or their moral convictions in no way concern us. We simply wish them to work honestly and to live peaceably. This is the whole end which the State has with regard to them, and if honest rewarded industry has the advantages which are claimed for it, there would scarcely

seem to be a better way of giving criminals a preference for honest rewarded industry than by enforcing upon them a fair experience thereof. And it would also seem to be true that unless criminals are practically shown the advantages of an honest life, they never will be made to change their ways. It can be of but little use to exhort criminals to morality and religion, to the end that they may be better, unless the substantial advantages of morality and religion are also practically shown to them. But little can be hoped, for the reformation of criminals, from any system which treats them wholly as slaves of the State, and in which, while there may be limited opportunities of self-improvement, there are many incidents worse than any which were connected with slavery in the South. Neither the State nor the contractor for convict labor, has any interest in the lives of the criminals. The contractor has an interest in the work a criminal does, but none in his life, and under such conditions it is almost impossible to imagine that any reformatory process goes on. And yet, nearly all criminals are one day to be set free upon the world, reformed or unreformed. After years of blind labor for the State, they are expected to be better prepared and more willing to work for themselves. After living for years in a wholly unnatural way, they are expected to go back into the world to live honestly like the rest of men. Such expectations seem scarcely reasonable. If nothing is hoped in the direction of reformation from the labor systems of prisons, we have seen that those systems should be as little harsh as possible; but if labor in prisons is to be made available as a means of reformation, the means should be more strictly adapted to the end. If it be said that, under present systems, opportunities are offered for prisoners to improve themselves or to make money by extra work, we say that these opportunities and advantages are too remote,—are placed too far from the prisoner's reach. Of all men, criminals most need to have opportunities enforced upon them, persistently and patiently, until, at last, they come to realize the good of those opportunities. If, under the proposed system, criminals should prove refractory, they could be more closely confined or otherwise dealt with; but they should still receive pay for their labor, and be made to pay for their living. It can hardly be imagined that criminals would be slow to perceive the advantages of such a system. They would work much more willingly and cheerfully, as they came to see that they could save

money and could better themselves, and they would imperceptibly change their way of thinking, as they perceived the real advantages of honest labor. If criminals could carry on trades and industries, and save money, in prison, they would not be slow to see that the best way to save their earnings would not be by encouraging robbery or theft. And it might even be expected that those who, for great crimes, had been given long terms of imprisonment, would be the most surely reformed; for they would soon learn how to make the best of their terms of imprisonment, and it is not likely that years of thrift in prison would fail to inculcate in them proper ideas of how best to retain and enjoy that which they had earned. They would acquire a habit of industry which might serve them well all their lives, and, while they were toiling to lay up money, they would be the less likely to encourage crime in others.

The proposed plan should not be looked upon with fear or ridicule, because it has the semblance of mildness, and is based on humane, though rational principles. Constant and patient effort at reformation, is the only logical course for the State to pursue toward those criminals who are not imprisoned for life, and who must one day be set free. Protection, not revenge, is the object of punishment, and revenge is only good as a means of protection. If mildness will best serve our purpose, let us be mild. If a preference for honest, rewarded labor (which is all the State wishes criminals to acquire), can best be inculcated by an enforcement of honest, rewarded labor, let that be enforced. It is not perceived how a proper use of liberty can be learned from a system of slavery. and so it is proposed that the proper use of liberty shall be enforced in the prison, to the end that the criminal may see and apply to himself its advantages, and thus come to change his ways. A Pennsylvanian critic has said, in regard to the proposed plan, that the ground is already occupied; that prisoners are already taught trades and industries, and are allowed pay for over-work. But teaching criminals to work at trades and industries, and even allowing them pay for overwork, is quite different from teaching them the *advantages of those trades and industries as connected with the business of life*, by making them support themselves by those trades and industries, and at the same time letting them see how they can, besides constantly better themselves thereby. It is of no use to teach a criminal a trade, unless he is also taught and

made to see its actual value from day to day, and from week to week. It is of no use, for instance, to teach a safe-breaker the watch-maker's trade, unless he is also convinced by the enforcement of experience that watch-making is of more value, in the long run, than safe-breaking. It is not the custom of men to take up a calling, or way of living, unless that calling, or way of living, is believed to possess some value, and in the choice of an honest life, there is no exception to this rule. Therefore, it does not seem unreasonable to suppose that one good means of instructing criminals in that which we wish them to learn, namely, social order, may be by giving them interests in prison which will demonstrate to them the value of social order.

It is not supposed that the proposed plan will effect a cure in all cases; but it is believed that, in so far as prison labor may have to do with the reformation of criminals, the plan is based upon correct principles. Perhaps nothing short of flogging will cure the wife-beater, and may be the only means of placing a check upon the embezzler, the forger, or the professional burglar. If the law of punishments be wrong, let the law be changed; but let not prison discipline be more harsh than is necessary for the desired purpose, and not harsh at all where it to extent effects that purpose. Under the proposed plan, prisons should become self-supporting, and the objection against the competition of under-paid convict labor would not hold good. It has been objected to the proposed plan that it would at all times provide labor at fair wages to criminals, while there are times when many honest men in the world can find nothing to do, and so the criminals would be better off than the honest men. Supposing such to be the case, it is sufficient in reply to say, that the State is under an absolute obligation to provide means of support for the imprisoned criminal, and no less objectionable means of doing this can be imagined, than to simply put it in the criminal's power to support himself, and to make him do so.

There is an apparent objection to the proposed plan, which, however, when properly considered, is an argument in its favor. This supposed objection is that the plan proposes to deprive prisons of their terrors, and make them so attractive as to be no longer objects of dread to criminals. As a matter of fact, prisons would be only as attractive as the prisoners themselves would make them, and however attractive that might be, there would scarcely be a com-

compensation for the lack of complete liberty, and for the restraints which will be necessary under any system of prison discipline. On the other hand, if the proposed plan were put into practice, we believe it would be a long step in the direction of another reform in the manner of dealing with crime and criminals, which is fully as important and necessary as the reform of prison labor. The general plan of punishing criminals now practiced in this country, is to impose upon them, in nearly all cases, fixed terms of imprisonment, at the termination of which the criminals are set free. Now it is perfectly clear that no criminal should be allowed to go out of prison if he intends, upon his release, again to commit crime. Punishment is but the means which the State uses to the end of protection against criminals; and their punishment should be continued till its end is accomplished. Therefore, the State should never release a criminal without some good assurance that the latter does not mean to fall back into his evil ways. Without some such assurance, there is as much need of keeping a criminal in prison, after the expiration of a term of twenty years, as there was of locking him up in the first place. Hence the folly of imposing upon all criminals fixed terms of imprisonment, with liberty after their termination, regardless of the criminal's reformation. But, while no criminal should be released from prison who does not mean to be a good citizen, *neither should all criminals who are truly reformed be immediately set free*; for to do this would be to ignore entirely the element of example and warning to others, not criminals, which should be considered in all systems of punishments. While the *details* of prison discipline may not have any deterrent effect on others, not in prison, the example of *imprisonment itself* may and probably does prevent many persons from committing crime; and if this safeguard against crime were weakened, to the extent of releasing all criminals immediately upon their supposed reformation, the ranks of criminals would probably soon receive numerous accessions from those who have large capacity for dissimulation, combined with considerable intelligence and craft.

Therefore, while the system of imposing fixed terms of imprisonment upon criminals should be preserved for the sake of its deterrent effect, there should in most cases be imposed a further condition that it shall be made to appear to the State before a criminal's release, that he is not likely again to commit crime. What assurance of this kind should be necessary to the release of

a criminal is a matter to be determined; but the recommendation of men who had carefully and competently observed his character and conduct should at least be required. Perhaps there should be established permanent boards of prison-governors, men whose duty would be to observe and to study the character and conduct of the prisoners, to whom all complaints should be preferred, and upon whose recommendation should depend the release of nearly all criminals. As has been said, some such reform in the manner of dealing with criminals is important and necessary. But before society will permit the term of imprisonment of criminals to be left thus undefined, and dependent upon the judgment of a few fallible men, it will be necessary for all the details of prison discipline to be so reformed that there will be no room for charges of cruelty or inhumanity toward prisoners. It will not be until all criminals are guaranteed perfectly humane and rational treatment, strictly adapted in all cases to the proper end, until every detail of prison discipline is planned with a view to the reformation of the criminals, and until all unnecessary and irrational punishments are abolished, that we may look for the establishment of the reform of which we are now speaking. In the supposed objectionable humanity of the proposed plan of prison labor, we think we see a step which may make possible this last mentioned reform.

In putting into practice the proposed plan, there would be many details whose settlement could only be effected by experiment; such as the extent to which criminals should be allowed to have better food or better clothing, by paying for it, and whether at all, or under what circumstances, they should be allowed better accommodations in the prison. But if the principle of the plan be good, no amount of difficulty as to the arrangement and execution of its details should prevent its trial or adoption; for the object in view is worthy of the greatest exertion and the most unfaltering patience. In conclusion, let there be asked for the plan the careful consideration of those men who make this and other important social questions the study of their lives. From those who desire profit from, or who are in any way committed to, present systems, opposition is to be expected; but if the plan be good, it will bear any test of fair criticism.

Prof. Wayland, Chairman of the Connecticut State Prison Board, who presided, opened the debate as follows :

The object of punishing crime by imprisonment is to protect society by confining and reforming the criminal. How long shall the confinement continue? The system of time-sentences is absurd and illogical. For how long do you send a sick person to a hospital? Till he is *well*. But the confinement of the criminal is often determined by the caprice of the judge at the moment of his passing sentence. Two men were tried for horse-stealing, before two judges, in adjoining counties. In all material particulars the cases were exactly alike. One man was sentenced to six months, the other to fourteen years. For the first offence, certainly, the convict should be imprisoned until reformed.

"Why have *labor* in prison?" Shall society, which has already suffered loss from the man, support him, or shall he support himself? In order to be reformed, the man must be subjected to discipline, to regular hours, to labor. He must be so taught as to be enabled to support himself after he is released. As to the kind of work : he must do what, on the whole, is for the interest of the State. There are various modes of administering labor in prison. (1) There is the contract system, letting out the labor to the highest bidder. This may be so done as to put the prisoner wholly in the power of the contractor, or all may be subordinated to the proper discipline of the prison. The labor is offered in open market. This is the system in Connecticut ; and I have never heard a well-grounded complaint. Our men manufacture boots and shoes. Every person on leaving the prison can obtain work, if he is honest and industrious.

(2) There is the Public Account system, in which the State manufactures articles and sells them in open market, and the warden manages the business. But this is no legitimate part of a warden's occupation, nor is it the business of the State thus to manufacture.

(3) Then there is the Piece-Price system, which Mr. Brockway will no doubt explain.

The whole subject demands the utmost care and deliberation ; and nothing can be more unwise than to make a change at the demand of a demagogue. The only way to get at this in a common sense way is to appoint a competent commission, and to have the subject fully examined.

Mr. Z. R. Brockway, of the Elmira State Reformatory, said : *Prisoners must labor*. Protection to the State involves this.

After suitable and sufficient penitentiary buildings are supplied, the thing next in importance is a right system of classification, to be followed immediately with industrial occupation. There is too much regard for revenue now, just as was the case sixty years since.

(A) The necessary cost over earnings for prison maintenance is small when compared with other public expenditures ; it is an

amount the people will gladly pay for genuine protection from crime. Assure them of proper economy, good business management, and they are satisfied. Revenue at sacrifice of better benefits is not really desired. Two millions saved to the State of New York by Superintendent Pilsbury during his term of five years, had no influence in naming his successor, his reward was retirement. The ante-mortem statement made to the writer by Amos Pilsbury, the father, was of regret that he had paid any prison revenues into the public coffers, and that he had not expended the profits earned by his remarkably successful financial management upon the criminals of his charge in various ways for the public benefit through them. It is possible but not always desirable that prisons shall be self-sustaining. Regard for revenue is the prop of the southern and southwestern lease system, supposed to be bad, and of the prison contract system generally in vogue throughout the country, which is also an obstacle to the best results from the penitentiary system.

(B) The current contract system of employment relieves the State from risking public funds in the hands of public officers in manufacturing and commerce; simplifies the immediate management of prison and prisoners; and furnishes for the time, a definite and reasonably reliable income easily estimated. On the other hand, it leaves the liability of idleness for the prisoners at the expiration of the contract period, or what is almost as great an evil, the introduction of a new industry, often disorganizing, indeed, well nigh destroying the possible benefits to the men from sustained industrial training; the very simplicity of business management makes it a place for partizan appointments, leads to frequent change of governors, which, depressing a healthful ambition, hinders progress, and deprives the State and the prisons of the benefit of long experience in prison government; it introduces among prisoners through the contractor and his agents a mercenary motive inordinately, and sometimes with a finesse and crookedness in their contact with the criminal, akin to the finesse and crookedness of the criminal himself, for which he is confined; it divides the controlling authority, introducing an influence, political or otherwise, often dominating the prison officers, determining the very discipline of the establishment; its tendency is to drive the prisoner, if not under too great nervous strain and beyond proper physical effort, to drive him nevertheless and along a single process of routine work with little regard to preparation for his future industrial prosperity. In short, the contract system, in its spirit and practice, is opposed to the real and high purpose for which the State maintains the penitentiaries, namely, protection from crimes through the reformation of the offenders.

The question of convict contract labor is a live one at this time. California has abolished it by constitutional amendment, and

Pennsylvania by act of the last legislature. Ohio is committed to its abolition by the platform of both political parties in that State, and has at work now a commission to report to the next legislature a bill to that effect. In New York, the people are to vote on the question this fall. New Jersey has restricted contracts for prison labor by limitations, injurious if not ruinous, and throughout the country legislatures are considering it. It seems the contract system must go; it certainly would go, if the wisdom of the times could suggest a satisfactory system to replace it. It is understood that the public outcry against the system is largely demagogic, and is as much against every system of prison labor as against this particular form of it; but there is little prospect that sober-minded citizens will consent to the cost, the corrupting effect, and the cruelty of maintaining the prisoners of our penitentiaries in idleness. The thoughtful among us, recognizing the real evils, are moved by this factious opposition even, to get rid of the system with its evils, and because of its evils. The want of the time is some suitable substitute.

(C.) The "Public Account Plan," that is, when the State becomes the manufacturer, furnishing capital, conducting the manufactures, and disposing of the products in open market, has been tried with varied success, and is now the system in several short-term prisons, at least, and in the State prisons of California. The points in its favor are (presuming good management), viz.:

It supplies a basis of inherent income as permanent and reliable as the income of a private or corporate business firm, enabling such perfection of organization and steadiness of administration as promotes, in harmony with other means, the best disciplinary development of the prisoners. It gives unity to the prison government by which the industries may be delivered from the purpose of self, facilitating the teaching of trades, and training in higher branches of mechanical and industrial arts.

It makes an active demand for very competent prison governors, and is therefore likely to secure the most competent prison management in all respects. The skill required in the business affairs and the opportunity to exercise it, leaves no time for the officers to manipulate caucuses or politics, tending thus to remove prison management from partizanship, giving permanency to official position, a field for worthy ambition, with opportunity for study, invention and experiment in the intricate matter of making over bad men or citizens into good ones; which is the real purpose of penitentiary treatment and the highest work that can engage human energies.

But there are objections to the Public Account System that are so weighty as to prevent probably its general adoption. There is the monetary risk. Not so much the ordinary hazard of capital in manufactures and commerce, nor the extraordinary hazard of public money so invested and managed by officials who, of them-

selves, have no practical knowledge of the business they conduct, or personal liability in case of loss or failure, for these risks may be reduced to the minimum. But rather the risk arising from the fact that the industries must be really under control of a popular legislature whose action may be affected by partizan or other considerations than those governing a business firm in the conduct of its business. In one instance, at least, the industries of an institution, well organized, developed to the point of acknowledged immediate success, were, by the manipulated legislature, changed, involving an unnecessary sacrifice of valuable goods and a permanently diminished annual income. Another objection is, that this system occupies too much of the time and attention of the prison governor in outside business, such as purchasing manufacturing material, and sale of products, diverting thus his time and attention from that personal knowledge of each prisoner under his charge, so necessary to real reformatory results; or, in case a commissioner of industries is employed, divides the responsibility, tending to interference and friction as injurious as is the divided control under the ordinary *per diem* contract system. A compulsory reformatory system involves the direction by a single head, of all the means, whether industrial, educational, disciplinary, or moral and religious. It is so intricate and delicate as to be easily destroyed by extraneous influences or conflicting control.

The Public Account System, in the form we are considering it, is impolitic because of the large amount of investment required, and the popular suspicion when public money is largely intrusted to individual investment and care. It is estimated that for plant, for material, for a stock of manufactured goods, and for cost of citizen experts, each operative or prisoner must represent one thousand dollars of capital; so that a prison of five hundred workers would require half a million of money for manufacturing, while for the State prisons of New York, upon this basis, three millions must be supplied by the taxpayers. It could hardly be expected that such an opportunity for patronage could long remain unused for partizan ends, or if, by any means, it should be kept strictly to its legitimate use, the necessary conflict to preserve it would, of itself, jeopard the general prison management. It is questionable also whether it is not wrong in principle, for the government of a State or nation to directly engage in manufacturing and commercial enterprise with funds forced by taxation from the pockets of the people.

(D.) There is a possible substitute for the contract and Public Account Systems well nigh free from the objections named. It is the Piece Price Plan; that is to say, the contractor shall supply machinery, materials, and, perhaps, citizen expert instructors, receiving and disposing of the manufactured goods on his own account, of course. The State furnishes operatives (prisoners) whose services are to be paid for, not by the day, as now, but by

the piece or process for work done to a given standard of perfection. By this system (1), the State is relieved from furnishing manufacturing capital; (2), the whole business of the prison governors is with the prisoners; (3), the control of the prisoners is unified; (4), the evil influence of the contract employés is abated, because the contractor gains nothing by extorting exorbitant tasks, there is no motive for chicanery; (5), the State is most sure to receive the real value of the prisoners' labor, more or less, and the State alone is responsible for the amount the prisoner shall earn; (6), the Piece Price Plan best enables the prison government to place the prisoner in condition, as to labor and living, closely analogous to the natural social state in this regard, the prisoner may be made to live and enjoy whatever he can earn, but no more, and such a situation is most serviceable in training and testing under the remedial regime; (7), since the Piece Price Plan is almost universally in use by private manufacturers, the fair rate per piece can be easily ascertained, and may by law, if thought best, be fixed at the average paid free laborers in the same locality for the same quality of work, thus to the nearest possible point equalizing the valuation of prison labor and free labor by which injurious competition here, if any exists, is removed. Contractors generally express themselves satisfied with such a system, because they are by it relieved from all anxiety and liability for the quantity of work the prisoners shall do or not do, being sure to get an equivalent for every dollar paid the State for labor.

The Piece Price Plan can be put in place of the contract or Public Account System easily and without injury: the present industries may be, and would naturally be, continued. The system of accounts required is simple, and may be fully guarded against fraud by the identity of interest in earnings between the State and the prisoner.

Prison industries should always subserve conjointly three grand purposes, which are, when stated inversely as to their importance, namely, Income, Discipline, Rehabilitation. Believing the plan here proposed best meets this requirement, and quite removes any real or fancied ground of complaint from the mercantile or laboring classes, it is recommended that the Piece Price Plan be put in the place of the Contract and Public Account systems of employing prisoners.

Mr. Perry, of Albany, (a contractor for prison labor), said:

Why are so many men, and such young men, in prison? It is from the action of the Trades Unions of this country. Take the molders. Formerly they employed boys as helpers, a hundred to a hundred men. The Trades Union forbade this. Hence, on every street-corner are hundreds of idle boys, given up to crime. I know of no prison that is run by the contractors. The work is not half

of a day's work of a man outside. The Trades Unions object to labor in prisons, because it is labor which they cannot control.

Dr. Burton, of Auburn, said :

I can confirm what was said by Mr. Perry. I was for fourteen years in charge of the medical department at Auburn Prison. During that time, I devoted myself wholly to prison matters. The contract system is the only one that is just to all parties. The contractors who are most kind to the men, get most work out of them. In many cases, the contractors found work outside for the men after their release.

AMERICAN SOCIAL SCIENCE ASSOCIATION.

CONSTITUTION,

LIST OF OFFICERS, COMMITTEES AND MEMBERS,

1888-4.

Boston, April 1, 1884.

THE AMERICAN SOCIAL SCIENCE ASSOCIATION

Was organized in October, 1865, at a public meeting in Boston, at which the late Governor ANDREW presided. Its Presidents have been Prof. W. B. ROGERS, SAMUEL ELIOT, GEORGE WILLIAM CURTIS, President WOOLSEY, DAVID A. WELLS, President GILMAN, of Baltimore, Professor WAYLAND, of Yale, and General EATON, of the U. S. Bureau of Education, who now fills the office; its Secretaries, SAMUEL ELIOT, HENRY VILLARD, and F. B. SANBORN. It now has members in nearly all sections of the United States, numbering in all between 300 and 400.

Its object, stated briefly, is to encourage the study of the various relations, social and political, of man in modern life; to facilitate personal intercourse and the interchange of ideas between individuals interested in promoting educational, financial, sanitary, charitable, and other social reforms and progress; and promptly to make known to the public all theoretical or practical results which may flow from such studies or investigations. To some extent these ends have been successfully attained, by the organization and growth of the Association, and the periodical public meetings of the members, with the accompanying reading of papers and discussions.

Our income has hitherto been sufficient to meet our expenses; but it has been necessary to rely upon sources which may be called extraordinary. The Association has no funded property; its *regular* income is composed mainly of annual payments from members, which amount to less than \$1,600 *per annum*. The cost of publishing two numbers of the Journal (about 400 pages, 8vo.) is \$800; the salary of Secretary, expense of annual meetings and incidentals, \$1,000 more, in round numbers, or a total of \$1,800. It is thought that the time is come when we may confidently appeal to the general interest felt in Social Science throughout the country, for the purpose of establishing our finances upon a solid basis, by enlarging our list of members to 500 or 1,000. It is believed that an institution supported in this way, and relying on a wide-spread popular feeling of interest, will not only stand firmer, but will accomplish its educational object far better than if (as hitherto) supported by a few subscribers. In order to avoid misapprehension and prejudice, it may be stated that while the Association welcomes all new ideas, and encourages the greatest freedom of intelligent expression and debate, it does not hold itself responsible for the opinions of its individual members.

Membership is obtained by the annual payment of five dollars. This confers the right to take part in business meetings of the Association, and to vote in election of officers, and entitles one to receive its publications free of expense. The publications consist chiefly of the "Journal of Social Science," which includes the results of the work of the Association, more especially the proceedings and papers of the General Meetings.

It would seem that the desired increase in membership ought to be easily obtained; and the Council believe that it can be, if those who read this will become members, and aid in interesting others.

Publications can be obtained and information had by addressing F. B. SANBORN, Concord, Mass., or the Publishers for the Association, A. WILLIAMS & Co., Boston, and G. P. PUTNAM'S SONS, New York.

CONSTITUTION.

[It will be seen that under the Constitution, as here printed, a new organization of the officers of the Association has been made,—what was formerly called the Executive Committee, being now the Council.]

The Constitution, as amended January 14, 1880, is as follows :

I. This Society shall be called the AMERICAN SOCIAL SCIENCE ASSOCIATION.

II. Its objects shall be classified in five departments : the first, of Education ; the second, of Health ; the third, of Trade and Finance ; the fourth, of Social Economy ; the fifth, of Jurisprudence.

III. It shall be administered by a President, as many honorary Vice-Presidents as may be chosen, a Treasurer, a Secretary, and a Council, charged with general supervision ; five Department Committees, established by the Council, charged with the supervision of their respective departments ; and such Local Committees as may be established by the Council at different points, to serve as branch associations. The Council shall consist of the President, Treasurer, and Secretary, the Chairman and Secretary of each Department, and ten Directors, with power to fill vacancies and to make their own By-Laws. The President, Vice-Presidents, Treasurer, Chairman, and Secretaries of Departments, and Directors, shall be chosen annually by members of the Association, and shall hold office till their successors are chosen. The President, or in his absence, a Director, shall be Chairman of the Council. The Chairman of the Local Committees shall be chosen at the pleasure of their respective committees. Whenever a Branch Association shall be organized and recognized as such by the Council, its President shall be *ex-officio* one of the Vice-Presidents of the American Association, and, together with the Secretary and Treasurer, shall be entitled to all the privileges of membership in that Association. And whenever a Local Department shall be organized and recognized as such by the Council, its chairman shall become *ex-officio* a member of the parent Association. The Chairman and Secretary of each Department, with the consent of the President of the Association, may appoint such special Department Committees as they may think best. The General Secretary shall be elected for three years, unless he resigns, or is removed by a two-thirds vote of the members present and voting in a regular meeting of the Council ; and out of his compensation he may pay the salary of an Assistant Secretary, who may also be Secretary of one Department.

IV. Any person may become a member by paying five dollars, and may continue a member by paying annually such further sum as may be fixed at the Annual Meeting, not exceeding ten dollars. On payment of one hundred dollars, any person may become a life-member, exempt from assessments. Honorary and corresponding members may be elected, and exempted from the payment of assessments.

V. The Council shall have sole power to call and conduct General Meetings, and to publish the Transactions and other documents of the Association. The Department Committee shall have power to call and conduct Department Meetings.

VI. No amendment of this Constitution shall be made, except at an annual meeting, with public notice of the proposed amendments.

OFFICERS OF THE ASSOCIATION, 1883-1884.

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First Vice-President, FRANCIS WAYLAND, New Haven Ct.

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V. *Jurisprudence*.—Prof. FRANCIS WAYLAND, New Haven, *Chairman*; Prof. WILLIAM K. TOWNSEND, New Haven, *Secretary*.

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Gen. JOHN EATON, *President*; F. B. SANBORN, *General Secretary*; ANSON PHELPS STOKES, *Treasurer*; Mrs. EMILY TALBOT, *Education Secretary*; Dr. L. M. HALL, *Health Secretary*; Prof. FRANCIS WAYLAND, *Jurisprudence Chairman*; CARROLL D. WRIGHT, *Finance Chairman*; Mrs. HENRY WHITMAN, *Social Economy Secretary*.

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No List of Members of the Association, as printed, can ever be quite complete, so many changes occur by death and withdrawal, the accession of new members, etc. The following list is as complete as the Secretary could make it, up to April 1, 1884, but, no doubt, the addresses of several members are wrong, and there are instances of names misprinted, etc., of which the Secretary will thank any person to notify him when the fact is observed.]

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 M. Victor Bonnat, Paris.

In Germany.

Dr. Franz von Holtzendorf, Royal University, Munich.
 Dr. George Varrentrap, Frankfurt.
 Dr. Ernest Engel, Royal Statistical Bureau, Berlin.
 M. Engel-Dolfus, Mülhouse, Alsace.

In Italy.

Signor Martino Beltrani-Scalia, Rome.
 Prof. C. F. Gabba, Pisa.
 Princess Hélène Koltzoff Massalsky, Villa d'Istria, Florence.
 Prof. Alberto de Errera, Cavaliere della Corona d'Italia, Venice.

In Sweden.

Dr. Friederich Theodor Berg, Stockholm.

In Greece.

Aristides Dossios, Athens.

In Hungary.

M. E. Horn, M. P., Budepest.

In Holland.

Dr. W. F. M. Gori, Amsterdam.

PUBLICATIONS OF THE ASSOCIATION.

Journal of Social Science. Containing the Transactions of the American Association. Nos. I.—V. 8vo, paper, each \$1.50. Nos. VI.—XVIII., each \$1.00.

CONTENTS OF NUMBER TWO.—Current Record of the Association. I. Immigration—Frederick Kapp. II. The Amende Honorable in Procedure in Cases of Contested Elections—Henry I. Davies. IV. The Public Charities of the State of New York—Theodore W. Dwight. V. The Public Libraries of the United States—Ainsworth R. Spofford. VI. The Science of Transportation—Joseph D. Potts. VII. Vaccination—A Report presented by Francis Bacon, William A. Hammond, and David F. Lincoln. VIII. The Election of Presidents—Charles Francis Adams, Jr. IX. Life Insurance—Sheppard Homans. X. The Administration of Criminal Justice—George C. Barrett. XI. Health Laws and their Administration—Clifford Harris. XII. An International Code—D. D. Field. XIII. General Intelligence. XIV. Constitution. XV. List of New Members. XVI. List of Works relating to Social Science published in 1890.

CONTENTS OF NUMBER THREE.—I. Public Parks and the Enlargement of Towns—F. L. Olmsted. II. Art Education in America—C. C. Perkins. III. Civilization and Health—Francis Bacon. IV. American System of Patents—S. A. Duncan. V. Nature and Sphere of Police Power—T. T. Woolsey. VI. Legislation and Social Sciences—E. L. Godkin. VII. Representation of Minorities—D. D. Field. VIII. Relations of Business Men to National Legislation—H. A. Hill. IX. Houses in the Country for Working Men—G. B. Emerson. X. Minority Representation in Europe—Thomas Hare. XI. Application of Mr. Hare's system of Voting to the Nomination of Overseers of Harvard College—W. H. Ware. XII. General Intelligence. I. Home. 2. Foreign.

NUMBER FOUR is out of print, as well as **NUMBER ONE.**

CONTENTS OF NUMBER FIVE.—I. Municipal Government—Dorman B. Eaton. II. Higher Education of Women—T. W. Higginson. III. Restoration of the Currency—Joseph S. Ropes. IV. Some Results of the Census—Francis A. Walker. V. Public Vaccination—F. P. Foster. VI. The International—David A. Wasson. VII. Legislation in Relation to Pharmacy—G. F. H. Markoe. VIII. General Intelligence.

CONTENTS OF NUMBER SIX.—General Meeting at New York. I. Opening Address—George William Curtis. II. The Work of Social Science in the United States—F. B. Sanborn. III. Financial Administration—G. Bradford. IV. Conference of the Boards of Public Charities. V. Pauperism in the City of New York. VI. The Farmers' Movement in the Western States—Willard C. Flagg. VII. Ocean Lanes for Steamship Navigation—Prof. B. Peirce. VIII. Rational Principles of Taxation—David A. Wells. IX. American Railroads—Gardiner G. Hubbard. X. Reformation of Prisoners—Z. R. Brockway. XI. The Deaf-Mute College at Washington—Edward M. Gallaudet. XII. The Protection of Animals—George T. Angell. XIII. American Finance—Prof. W. G. Sumner.

CONTENTS OF NUMBER SEVEN.—I. Private Property upon the Sea—Rev. Dr. Woolsey. II. Conference of Boards of Health. III. (School Hygiene)—Dr. D. F. Lincoln and A. L. Carroll. IV. Trust Hospitals—Dr. J. F. Jenkins. V. National, State, and Sectarian Universities—A. D. White and Dr. McCook. VI. Free Lending Libraries—W. W. Greenough. VII. The Young Men's Christian Association—Cephus Brainard. VIII. Ocean Lanes. IX. Prison Reform in Europe and America—Dr. Wines and F. B. Sanborn. X. Social Science Record. XI. Conference of Boards of Charities.

CONTENTS OF NUMBER EIGHT.—I. The Production and Distribution of Wealth—David A. Wells. II. The Work of Social Science—F. B. Sanborn. III. Progress in International Law—J. B. Angell. IV. The Experiment of Civil Service Reform—Dorman B. Eaton. V. The Treatment of the Guilty—W. G. Elliot. VI. Health in Schools—Dr. D. F. Lincoln, J. J. Putnam, etc. VII. Financial Policy of England and the United States—G. Bradford. VIII. Limitations of Judicial Power—Emory Washburn. IX. Life Insurance for the Poor—Elihu Wright and Sheppard Homans. X. Legal Education—W. G. Hammond. XI. The Detroit Meeting.

CONTENTS OF NUMBER NINE.—I. Social Science in Theory and in Practice—F. B. Sanborn. II. The Silver Question—W. Stanley Jevons. III. The Silver Question—B. F. Nozue. IV. Savings Banks—John P. Townsend. V. Local Taxation—William Minot, Jr. VI. Industrial and Social Aspects of the Southern Question—W. L. Trenholm. VII. Education in the Southern States—T. M. Logan. VIII. The Navigation Laws of Great Britain and of the United States—Hamilton A. Hill. IX. The Tariff Question—Horace White. X. Custom House Forms—Henry D. Hyde. XI. State and Municipal Government—Samuel Bowles. XII. Municipal Economy—Daniel L. Harris.

CONTENTS OF NUMBER TEN.—Transactions of the Association, 1879. I. American Education, 1889-1899. Annual Address by President Gilman. II. The Method of Study in Social Science—William T. Harris. III. Report of the Department of Education—Mrs. I. T. Talbot. IV. The Voting of Women in School Elections—A. P. Peabody. V. Relations of Christianity to the Common Law—M. B. Anderson. VI. The Place of the Practical Man in American Public Affairs—Hamilton Andrews Hill. VII. Chinese Immigration—S. Wells Williams. VIII. The United States and the Declaration of Paris—Theodore S. Woolsey. IX. Recent Changes in our State Constitutions—Simone E. Baldwin. X. The Policy of Patent Laws—Frederic H. Betts. XI. The Sewerage of the Smaller Towns—George E. Waring, Jr. XII. Industrial Arbitration and Conciliation—Joseph D. Weeks.

CONTENTS OF NUMBER ELEVEN.—Report of the Annual Meeting, 1880. List of Members. I. Southern Questions. 1. The Negro Exodus from the Gulf States—Frederick Douglass. 2. The Emigration of Colored Citizens from the Southern States—R. T. Greener. 3. Colored Schools in Virginia—Mrs. Orna Langhorne. II. Recent Changes in the West—Robert P. Porter. III. A Report on Protection from Casualties in the use of Machinery—Prof. William Watson. IV. International Coinage—Robert Noxon Tappan. V. Social Economy Papers. 1. Report of the Department of Social Economy—F. B. Sanborn. 2. The Care of Poor and Vicious Children—Charles L. Brace. 3. Social Economy in Illinois—Mrs. Harbert. 4. Co-operative Distribution—Wm. A. Hovey. 5. Co-operation in England—James Samuelson. Saratoga Papers of 1877. 1. Extradition—Sheldon Amos. 2. Graduate Courses at Law Schools—Prof. B. E. Baldwin.

CONTENTS OF NUMBER TWELVE.—Professor Peirce's Cincinnati Address: The National Importance of Social Science in the United States. President Gilman's Opening Address. Report of the General Secretary, by F. B. Sanborn. Report of the Treasurer and Publication Committee: Prof. Wayland and F. B. Sanborn. Papers of the Education Department: I. Report on Kindergarten Schools—Prof. Harris, Mrs. Talbot. II. The Relation of the Public Library to the Public Schools—Samuel S. Green. III. Educational Progress in England—Miss Edith Simcox. IV. Home Life in Some of its Relations to Schools—Miss Mary W. Hinman. V. The American Newspaper and American Education—Dr. J. M. Gregory. Libel and its Legal Remedy—E. L. Godkin. Papers of the Social Economy Department: I. Associated Charities. A. The Principle and Advantage of Association in Charities—Rev. D. O. Kellogg. B. General and Special Methods of Operation—Rev. O. C. McCulloch. C. The Need and Work of Volunteer Visitors—R. T. Paine, Jr. D. The Care and Saving of Neglected Children—Miss Anna Halliwell. II. The Principle of Volunteer Service—Mrs. Florence Bayard Lockwood. III. The Recreations of the People—George B. Bartlett. IV. The Justifying Value of a Public Park—F. L. Olmsted. Constitution, Officers and Members of the Association.

CONTENTS OF NUMBER THIRTEEN.—Order of Business at Saratoga in 1881. Papers of the Jurisprudence Department: I. Pensions in a Republic—Frederick J. Kingsbury. II. Modern Legislation Touching Marital Property Rights—Henry Hitchcock, LL.D. III. The German Socialist Law of October 21, 1878—Henry W. Farnam. IV. The Study of Anatomy, Historically and Legally Considered—Edward Mussey. Hartwell, M.A. Papers of the Health Department: I. The Treatment of Insanity in its Economic Aspect—Walter Channing, M.D. II. Adulterations in Food—Prof. S. W. Johnson. Debate on Adulterations. Remarks of George T. Angell. General Papers: I. Christianity and the Relations of Nations—Charles L. Brace. II. Indeterminate Sentences and their Results in New York—Z. R. Brockway. III. Changes in American Society—Julia Ward Howe. Appendix; Infant Development.

CONTENTS OF NUMBER FOURTEEN.—I. The General Meeting of 1881. Death of President Garfield. II. Opening Address of Professor Wayland, President of the Association. III. The Three-fold Aspect of Social Science. Report of the General Secretary, F. B. Sanborn. IV. Civil Service Reform, an Address by George W. Curtis. The American Newspaper—Charles Dudley Warner. VI. Prohibitory Legislation—F. Emory Aldrich. VII. Province of Legislation in the Suppression of Intemperance—F. W. Bird. VIII. License and Prohibition—Rev. Leonard W. Bacon. IX. The Moral Statistics of the United States—Dr. Woolsey. X. Divorce Laws—Prof. W. C. Robinson. XI. Lex Divorce Legislation—Rev. S. W. Dike. XII. Address on Health and Insanity—Walter Channing, M.D. XIII. Women Practising Medicine—Dr. E. F. Pope. XIV. Constitution, List of Members, Officers and Committees of the Association.

CONTENTS OF NUMBER FIFTEEN.—I. Papers on Infant Development—Prof. Harris, Mr. Darwin, Mr. Alcott, Dr. Feyer, M. Paine, etc. II. Report of Mrs. Talbot. III. Religious and Moral Education of Children—Prof. G. S. Hall. IV. Treatment of Incipient Insanity—Mary Putnam Jacobi, M.D. V. Debate on Insanity—Prof. W. T. Harris, Dr. Channing, F. B. Sanborn, etc. VI. Papers on Building Associations—R. T. Paine, Jr. and Addison B. Durk. VII. Homes for the People in Washington—John Hitz. VIII. Art in its Relation to the People—Martin Brimmer.

CONTENTS OF NUMBER SIXTEEN.—Papers of the Health Department: I. Address of the Chairman—Walter Channing, M.D. II. The Michigan Plan for Boards of Health—Dr. Henry B. Baker. III. The Health Care of Households with Special Reference to House Drainage—Ezra M. Hunt, M.D. IV. The Health of Boys Boarding Schools—Dr. F. J. Lucius, M.D. V. The Health of Criminal Women—Eliza M. Mosser, M.B. VI. The Management of Chronic Inebriates and Insane Drunkards—Albert S. Blodgett, M.D. VII. Remarks of Mr. Parker on Boards of Health. VIII. International and National Relief in War—Miss Clara Barton. Papers of the Social Economy Department: I. Address of the Chairman—F. B. Sanborn. II. The Factory System as an Element in Civilization—Carroll D. Wright. III. Early Factory Life in New England—Mrs. H. H. Robinson. IV. American Factory Life—Miss Lucy Larcum. V. Ten Hours—Rev. Jesse H. Jones.

CONTENTS OF NUMBER SEVENTEEN.—I. Introduction. II. Address—Rev. A. D. Mayo, on National Aid to Education. III. Address—President Argell, on Diplomatic Relations between China and the United States. IV. Papers of the Jurisprudence Department, viz.: 1. Professional Ethics—Theodore Bacon. 2. Local Self-Government—Edward W. Bemis. 3. Disfranchisement for Crime—James F. Colby. 4. A plan for Extinguishing Crime—Edwin Hill. 5. Punishment for Certain Crimes—H. A. Hill. V. Address—Prof. W. T. Harris. VI. The Darwin Commemoration. VII. A Paper on the Progressive Spelling—Rev. H. L. Wayland. VIII. Miscellaneous Matters.

CONTENTS OF NUMBER EIGHTEEN.—I. Introductory. II. Opening Address—Prof. Wayland. III. Report of the General Secretary—F. B. Sanborn. IV. Papers on Health and Education: 1. Health and Social Science—Dr. E. M. Hunt. 2. Physical Training in Homes and Training Schools—Prof. D. A. Sargent. 3. True Higher Education—W. C. Thomas. 4. Causes of Insanity—Dr. W. Channing. 5. Inebriety in Women—Dr. L. M. Hall. 6. The Disease of Inebriety—Dr. T. D. Crothers. 7. House-building and Drainage—G. E. Waring, Jr. 8. Moral Education in Schools—Prof. W. T. Harris. V. Papers of the Jurisprudence Department: 1. Assertion of Rights—J. F. Platt. 2. International Ethics—E. M. Gallaudet, LL.D. 3. Legal History of the Telephone—M. F. Tyler. VI. Addresses and Special Papers: 1. American Civil Service System—J. M. Gregory, LL.D. 2. Public Libraries—J. M. Leland. 3. Religion of India—Mr. Mozumdar. 4. New Methods of Study in History—H. B. Adams. VII. Papers of the Social Economy Department, viz.: 1. Race Problems in the United States—Prof. C. A. Gardiner. 2. Relations between Employers and Employed—Mrs. S. K. Bolton. 3. Child-Helping in New York—C. L. Brace. 4. Prison Labor.

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CONTAINING THE
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NUMBER XIX.

DECEMBER, 1884.

SARATOGA PAPERS OF 1884.

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P R E F A C E .

The Papers included in this number of the *Journal of Social Science* are about half of the Saratoga Papers of 1884. As some misapprehension may exist in regard to the publication of Papers by the Association, it may here be said that all Papers, engaged for the General Meeting of the American Social Science Association, are so engaged with the understanding that they may be printed in the *Journal of Social Science*, if the Council so decide; if, therefore, the writers choose to publish their Papers elsewhere, (to which the Council offers no objection), it must be with the stipulation that these Papers may also be published in the *Journal*, at the option of the Council as to the time of publication.

A list of all the Addresses and Papers at the Meeting of 1884 will be found on pages v. and vi.

ORDER OF BUSINESS

AT THE

GENERAL MEETING OF 1884.

IN GENERAL SESSION.

Monday Evening, September 8th, 8 P. M., Opening Address of the President, Hon. JOHN EATON, of Washington, D. C.

Tuesday, September 9th, 12 M., A Debate opened by President WALKER of the Massachusetts Institute of Technology, on *Industrial Education*. (In this Debate the National Prison Association took part, and a joint meeting of the two Associations continued through the evening, after the election of officers.)

4, P. M., The first meeting of the American Historical Association, in connection with the Social Science Association.

8, P. M., Report of the General Secretary, and Election of Officers.

Wednesday Evening, September 10th, 8, P. M., Address of CARROLL D. WRIGHT, of Boston, on *The Scientific Basis of Tariff Legislation*. Mr. ATKINSON's Paper was submitted at this session.

Thursday Evening, September 11th, 8, P. M., An Address on *The Condition of the Freedmen Before the Law*, by GEORGE W. CABLE, Esq., of New Orleans.

DEPARTMENT MEETINGS.

Tuesday, September 9th.

DEPARTMENT OF EDUCATION.

9.30, A. M., Address by the Chairman, Prof. W. T. HARRIS, on *The Study of Greek and Latin in American Colleges*.

10, A. M., Report of the Secretary, MRS. TALBOT, on *Recent Educational Work*.

11, A. M., A Paper on *The Higher Education of Women*, by Miss LOUISA INNES LUMSDEN, of Aberdeen, Scotland, followed by a Debate, which was opened by Miss FRANCES DOVE.

Wednesday, September 10th.

DEPARTMENT OF HEALTH.

9.30, A. M., Address by the Chairman, Prof. D. A. SARGENT, of Harvard University, on *The Tendency of Modern Athletics*, followed by a Debate.

11, A. M., A Paper by Prof. HITCHCOCK, of Amherst College, on *Physical Training in Colleges practically Considered*, followed by a Debate.

1, P. M., Report on *The Results of Physical Training in Schools and Colleges for Women, etc.*, by the Secretary, Miss LUCY M. HALL, M.D., of Brooklyn, N. Y.

Wednesday, September 10th.

DEPARTMENT OF FINANCE.

9.30, A. M., A Paper by PROF. HENRY C. ADAMS, on *The Financial Standing of States.*

Thursday, September 11th.

DEPARTMENT OF JURISPRUDENCE.

At 9.30, A. M., A Paper on *The Law of Commitment in Lunacy*, by REV. F. H. WINES, of Springfield, Ill., followed by a Debate on *Lunacy Laws*, by DR. D. H. TUKE, of London, Eng., DR. ROBERT BAKER, and others.

11, A. M., A Paper on *The Conflict of State Laws,—the Evil and the Remedy*, by EUGENE SMITH, Esq., of New York.

12, M., A Paper on *The Threefold Basis of the Criminal Law*, by REV. F. H. WINES, of Springfield, Ill.

12.30, P. M., A Paper on *The Pardoning Power*, by PROF. FRANCIS WAYLAND, of Yale College.

1, P. M., A Paper by PROF. A. O. WRIGHT, of Madison, Wis., on *Lunacy Laws in the Northwestern States..*

(The two last named Papers were submitted, but not read.)

Friday, September 12th.

DEPARTMENT OF SOCIAL ECONOMY.

9.30, A. M., Address by the Chairman, F. B. SANBORN, Esq., of Concord, Mass.

10, A. M., A Paper on *The Extension of Reform Methods to the Civil Service of States and Cities*, by EDWARD M. SHEPARD, Esq., of Brooklyn, N.Y.

12, M., A Paper on *Hebrew Charities*, by MISS MARY M. COHEN, of Philadelphia, followed by a Debate.

The joint meeting of the National Prison Association, and the Social Science Association, was presided over by Hon. R. B. HAYES, Ex-President of the United States, and President of the Prison Association, which held a session of several days at Saratoga, before and during the Social Science meeting.

The American Historical Society was organized at the joint meeting of Tuesday Afternoon, Sept. 9th, and afterward held several sessions by itself during the week.

The Officers of the American Social Science Association were elected on the 9th, as they stand in the list on page 180, and Miss LUMSDEN, and Miss FRANCES DOVE, of Scotland, M. F. BOUSSIN, of Paris, France, and M. P. BULS, of Brussels, Belgium, were elected Corresponding Members of the Association.

ADDITIONS TO THE PAPER OF PROF. ADAMS, AND CORRECTIONS THEREIN.

Prof. H. C. Adams has made certain additions to his paper on "The Financial Standing of States," since it was printed in the early pages of this JOURNAL, and some corrections and substitutions as follows :

Page 29. Instead of the sentence beginning "It was as a subordinate part of a general policy," insert,—

"There seems at this time to have been a reaction in favor of an extension of local administrative functions. The States were thus forced to the front and imposed with new duties, and it was their effort to respond to the demands of this general policy which led them into financial embarrassment."

Page 41. Instead of the sentence, "But with the reaction of opinion, these local laws were changed," insert,—

"When, however, the reaction against this sentiment arose, which sprang from the failure of experiments actually undertaken, local laws were radically changed."

Pages 45-6. Beginning with the sentence near the bottom of page 45, "This once accomplished" let the passage read thus,—

"This once accomplished, and popular government in this country is placed in serious jeopardy. Say what men will,—there is an eternal difference between a Democratic Republic and a Republican Empire. Popular government means local government. Real power lies at the centre of administrative control, and nothing can take us so far from the idea of the fathers as to establish for domestic affairs the same concentration of management in the hands of Congress as now exists for foreign affairs. The early statesmen recognized the difference between these two lines of public duty, and it is not now the part of wisdom for us to obliterate this distinction. Yet consider how embarrassing is the position of the American people in the presence of such relations. A clear recognition of the evils of too great concentration of power in the hands of the central government is practically a guarantee to the corporations that they will not be interfered with except through restraining laws that do not restrain; for the States, the natural recipients of such powers are precluded from interference by the fact that they have lost their financial standing. This condition of affairs is, at least, suggestive.

It was not my purpose, however, to bring the railroad question, as such, into prominent view. The conclusions of this study are general and not particular. They point to the difficulties that arise in the solution of a large class of public questions, and indeed, the misfortunes that have already come to this country on account of the decadence in financial standing of the States. It is an historic rule of wide application, that as countries become more populous, and the social and industrial relations more complex, the functions of government must necessarily extend to continually new objects. This rule holds good now and in this country, and, in consequence, the question of the residence of new powers becomes important. Consider, as a simple illustration, the increasing necessity of a care of the forests. The frequent recurrence of floods, the more rapid and marked alternation of drought and wet, the progress of farming toward the exhaustion of lands, and other signs, point clearly to the fact that the people of this country must soon turn their attention to the culture of trees. But this is a line of enterprise that individuals will not enter upon, because the returns in dividend are too remote from the first investment. It is a legitimate sphere for the employment of public credit, and the only remaining question is, shall the enterprise be undertaken by the central or local governments? To my mind there is but one answer. The several States are the proper centre for the exercise of this function, yet they are in no position to perform this duty. They have been deprived of the facilities for undertaking such a measure by an over-solicitous people, frightened by one unfortunate venture."

Prof. Adams' Paper having been read during his absence from the country, and the proof-sheets having failed to reach him in time for his revision, a few corrections of the press are here given.

Page 27. For "millions," read "billions."

Page 28. The quotation is from the London Times of 1840.

Page 29. For "their party," read, "such a party."

Page 36. For "national policy," read "national banking policy."

Page 40. (Line 2.) For "first empire," read "Hamiltonian empire."

Page 44. (Line 20.) For "commercial," read, "transportation. (Line 25.) For "They," read "This system." (Line 26.) After "these," insert, "latter."

Page 45. (Line 29.) For "must," read, "can."

THE COMMONWEALTH OF SOCIAL SCIENCE.

ANNUAL REPORT OF THE GENERAL SECRETARY, F. B. SANBORN.

(Read Tuesday, September 9, 1884.)

"When the right virtuous Edward Wotton and I were at the Emperor's court together," said Sir Philip Sidney, in his "Apology for Poesy," 300 years ago, "we gave ourselves to learn horsemanship of Giovanni Pietro Pugliano; and he, according to the fertility of the Italian wit, sought to enrich our minds with the contemplation therein which he thought most precious. He said soldiers were the noblest estate of mankind, and horsemen the noblest of soldiers; they were the masters of war, and ornaments of peace; speedy goers and strong abiders; no earthly thing bred such wonder to a prince as to be a good horseman; skill of government was but a pedantry in comparison. Then would he add certain praises by telling what a peerless beast the horse was; the only serviceable courtier without flattery; the beast of most beauty, faithfulness, courage and such more, that, if I had not been a piece of a logician before I came to him, I think he would have persuaded me to have wished myself a horse. But this much, at least, he drove into me, that self-love is better than any gilding to make that seem gorgeous wherein ourselves be parties."

Is it self-love in us that bids us believe there is nothing in the range of human knowledge better than that which we call Social Science, even though to most men it seems but an airy Pegasus carrying them nowhere, or else a poor pack-horse, stooping like Issachar, between his two burdens of statistics and inferences. Let us, in our customary manner, examine this matter a little, and again set forth the nature and dignity of that commonwealth of confederated studies which must be known, for lack of a better name as Social Science.

It was Cicero who pointed out, in a well-known passage, that all the arts pertaining to culture are linked in one chain, and hold a sort of relationship to one another; each suggesting, if not accompanying a kindred train of "its sisters, its cousins and its aunts." Particularly is this saying true of the social sciences, which appear

as a family gathering or Thanksgiving dinner, spread out under the banyan branches of the tree of knowledge : —

Full of proportions, one limb to the other,
And all to the world besides;
For head with foot hath private amity,
And both with moons and tides.

Our commonwealth of social science is then like that island where I found myself, a month ago, in which everybody is of kin to everybody else, and the most hostile, as well as the most friendly relations exist within the same narrow circle of names. Political economy may bite its thumb at Philanthropy; the Malthusian may apply his preventive check to the followers of Franklin; the science of wealth and the science of health may grapple in deadly combat; but it is a warfare worse than civil, for the antagonists are brothers and sisters, like the Theban princes of the old Greek tragedy. "Live and let live," should be their maxim; they should hang together, as the witty rebel said, "lest they should all hang separately."

Xerxes rewarded the man who invented for him a new pleasure; and we may well offer a prize for a new definition of our science. I almost thought I had found one in the newest Encyclopedia, Mr. Lalor's, just completed at Chicago, in which the French economist, Maurice Block, discourses briefly and generally of "Social Science." He says: "There is a science which concerns itself with the means of satisfying our natural wants; there is another which has to do with our moral wants. One is political economy, the other, moral science; it is *therefore*, the union of the two which constitutes Social Science. For the good of humanity, the two branches of Social Science should exercise a perfectly equal influence, and thus establish that equilibrium which is the sign of health." This is good advice, and may well be followed even by those who do not quite see the force of M. Block's "therefore." But these two sciences, in order to fulfil this author's conditions hypothetically, must contain each many other subordinate sciences, as in fact they do, — and it is the application of these branches of knowledge to the circumstances of mankind, that constitutes what we must regard as the true and practical Social Science.

Nowhere in the world has this practical application, this crucial experiment, been made under conditions so favorable to observe the result, as in our own country within the past 200 years. It is

now more than a century since the kindly genius of St. Pierre, that French philanthropist who created "Paul and Virginia," undertook to imagine a commonwealth in which political order should conform to natural law; and he placed this fancied Utopia in South America, near the banks of the Amazon.

"I spread myself in imagination," he says, "over the vast forests; I built forts; I broke up the ground; I covered it with abundant crops and with trees and vines laden with all kinds of fruit foreign to Europe. I offered an asylum to men of all the nations in which I had known unhappy persons. There were Hollanders and Swiss who had no land in their own country, and Russians who had no money to cultivate their vast wilderness with; Englishmen fatigued with the convulsions of popular governments, and Italians tired of the lethargy of aristocracies; Prussians dissatisfied with military despotism, Poles with their republican anarchy; Spaniards worn out with the intolerance of Spanish opinions, and Frenchmen with the inconstancy of their own; Knights of Malta and Algerians; peasants from Bohemia, Poland, Russia, Burgundy, Brittany, fleeing from the tyranny of their own countrymen; fugitive negro slaves from our barbarous colonies; powerful persons of all nations with their dependents; courtiers, lawyers, literary men, soldiers, merchants, bankers, all tormented with the maladies of European thought; Africans and Asiatics, all seeking to oppress one another, and acting upon each other by force, fraud, impiety or superstition. These persons, abjuring the natural prejudices which had made them all their lives the enemies of other men, and especially that passion which is the origin of all the hatreds of the human race, and which Europe makes its children imbibe with their mothers' milk—that desire to be foremost,—abjuring these, they adopted, under the guidance of the Author of nature, principles of universal toleration. By this act of common justice, they found exercise without obstacle, each for his own special characteristics. The Dutch, in that new country, carried agriculture and commerce into the midst of swamps, the Swiss to the summit of mountains, and the Russians, skilful with the ax, to the middle of the dense forests. The English devoted themselves to navigation and the useful arts which strengthen society; the Italians to those liberal arts which embellish it; the Prussians to military manoeuvres; the Poles to horsemanship; the solitary Spaniard employed the talents which require constancy; the Frenchmen those gifts which render life agreeable, and that sociable instinct which makes him the connecting link between other nations. All these men, so different in opinion and habit, showed each other, by toleration, the best side of their characters, and tempered the defects of one by the excess of another. Hence, must result in due time, by education, laws and customs, a union of arts, talents, virtues and religious principles, in a single people

whose destiny is to maintain complete harmony at home, withstand all foreign conquest, and amalgamate with all the rest of mankind."

Such was the dream of St. Pierre in 1778, and such he communicated it to Rousseau, with whom he was then intimate, rambling with him in the suburbs of Paris and conversing on human perfection and the corruptions of the eighteenth century. In one of these conversations St. Pierre asked his Mentor why he (Rousseau) had not tried to form a blissful republic somewhere. "Why not," he suggested, "in some uninhabited isle of the South sea, with some Europeans, (myself, for instance,) who have neither country nor fortune, establish a colony like that of William Penn in North America, in the midst of savages?" To which Rousseau answered: "Our age is so different! In Penn's time people believed something; now-a-days nobody believes anything." And so both of these philanthropists gave up their vision of a great nation in America, and agreed that St. Pierre should write a romance about the shepherds of Arcadia. "I had imagined," he said, "in our time, and in a part of the world not unknown, the existence of a people of importance, made up almost entirely of the unsuccessful refuse of European countries, and yet arriving speedily at the height of good fortune; but this rare phenomenon, worthy, at least, of the curiosity of Europe, ceased to interest men as soon as they found it did not exist." The literary fiction must change its form, therefore, and flit back to the good old classical mirage of pastoral life.

But do we not behold the fable of St. Pierre turned into the fact of American life — sixty millions of people in the United States and Canada, fulfilling, with slight qualifications, the ideal conditions that the eighteenth century laid down for a blissful republic? Here is universal toleration; here the amalgam of races; here the domestic peace and the contempt of foreign conquest. And here, which is more to our purpose, is the grand international exhibition of the social sciences in full operation, unfettered by traditions and precedents, and escaping easily from the dominion of vested interests and petrifying institutions. Great is the opportunity then, if we can only get this vast problem accurately studied and intelligibly reported. What are our means for that?

This Association, and those two younger ones which meet with us this year, could do little in reporting the investigations of Social Science, however extended might be their researches, if it were not

for the newspaper press—an agency of which the French encyclopædists took little account, because, in fact, it did not exist as we know it now, in the days of Rousseau. There were journals for which Franklin and Johnson wrote, and others from the income of which men of letters, like Marmontel and St. Pierre, received pensions; but the period of the London Times and the New York Herald was not then so much as imagined. The best image and model of the “Republic of Letters” is now this newspaper press which, in its way, unites the Dutch, the Swiss, the Bohemian, the solitary Spaniard, the sociable Gaul, the practical Englishman, the artistic Italian, the Pole on horseback, the Prussian martinet, and the Russian with his hatchet, in as firm an amalgam as St. Pierre’s Amazonian commonwealth could have done. Besides these, we have added to the ranks of journalism the irrepressible Irishman, the canny Scot, the serious Scandinavian, and the universal Yankee, to say nothing of the Greeks and Jews, Hindoos, Japanese, and Californians. *Ex uno disce omnia*—from this one daily cyclopædia we now learn everything; it is “not one, but every man’s epitome,” and aspires to the omnipotence and omniscience that an earlier age ascribed to divinity alone.

That incomparable Countess of Pembroke, “fair and learned and good,” “Sidney’s sister, Pembroke’s mother,” did not mean to describe the modern newspaper when she wrote, three centuries ago, this abridgment of its powers and intelligence :

Thou walkest with me when I walk;
When to my bed for rest I go
I find thee there,
And everywhere;
Not youngest thought in me doth grow,
No, not one word I cast to talk,
But, yet unuttered, thou dost know.

If forth I march, thou goest before;
If back I turn, thou comest behind;
So, forth nor back
Thy guard I lack,
Nay, on me, too, thy hand I find;
Well I thy wisdom may adore,
But never reach with earthly mind.

Remarkable as this anticipation of the ubiquitous and all-knowing interviewer must seem, it is surpassed in aptness by that verse in which Lady Mary Herbert announced a New York journalist of

our day, and his newspaper that "shines for all," but positively blazes for Gen. Butler:—

O Sun! whom light nor flight can match,
Suppose thy lightful, flightful wings
Thou lend to me,
And I could flee
As far as thee the evening brings,
Even led to West, he would me catch,
Nor should I lurk with western things.

To this Sibyl, with its infinity of inscribed leaves, which the same wind inspires and disperses, must we commit the daily oracles of social science, obtain these as we may. But there are, also, volumes of deeper research, demanding long and patient study, the comparison of many records, and such observations as physical science makes on revolving stars, moving earthly bodies and the viewless currents of the two oceans, of water and air, by which we are surrounded. In human affairs "everything flows," as Heraclitus whispered beside the cradle of natural science; and our instruments must measure motion from a moving deck on a restless stream. We shoot not only folly but wisdom "as it flies," and what was the statistic of one age becomes an old almanac of the next. Admitting this for true, we may still take pride in that monument of research and observation, which some of our members—President Walker, Col. Wright, Mr. Weeks, Mr. Wines, Mr. Atkinson, and others—have produced in the volumes, present and future, of the United States census of 1880. The undertaking was only less vast than the fortunes of the country, and the resources of Social Science, and small blame that its results fell short of the daring purpose which endeavored what was practically impossible; yet the work actually done surpasses all that has been attempted before. In such volumes, and in the kindred researches of state officials, professional economists, writers for reviews and cyclopædias, and the too-often unrecognized editors of daily and weekly journals, must be found the records of Social Science in America, rather than in the discussions or publications of our little society. We serve more as a working-point or shaft for the accumulation and transfer of motive power than as originators of what, in so wide a field, ten times our small number could not initiate. Yet in time the labors of a few ceaseless investigators build up the fabric of a science; and posterity may find among our members some to whom the origin of a theory or a

demonstration must be assigned. We have now and then asserted our modest claim to have initiated that civil-service reform, which has since become the shibboleth and secret dread of politicians, and many of our members are still engaged in carrying forward that now triumphant policy into every province where it can take effect. It was by our Association that the Conference of Charities, now so vigorous, was planted and promoted. The National Prison Association, which we hope will become equally efficient, was at first promoted and then recalled to life by us; it being one of the functions of this Association to serve as a *crèche*, or day-nursery, in whose care the intellectual parents of promising movements may leave their infants until they are able to go alone.

We are now in the twentieth year of our existence, reckoning from the little conference in Boston, out of which came the circular of August, 1865, that brought our first meeting together; and this is the twentieth annual meeting we have held. In that time we have seen many changes, not only of material condition and political development in the country we represent, but also in the intellectual opinion and moral status of America and the world at large. Short as our period has been, it includes the "reconstruction" of nearly half the United States on a new theory of labor and political rights; the utter downfall, beyond apparent recovery, of the flourishing Napoleonic empire, and the uprearing of another great empire, the German, amidst the sovereignties of Europe; the settlement upon a just and, let us hope, a permanent basis, of the long-vexed question of Italian unity; and one or two steps taken toward the removal of that common plague of Europe and Asia, the "unspeakable Turk" from his camp on the Bosphorus. Democracy has made long strides in the short interval, and we see it today, not only dominant in France, but threatening the House of Lords in England, and aiming wild blows at the absolute despotism of Russia. It is odd to find the English poets and Punch attacking the House of Lords, and figuring the British Lion with the face of John Bright; but we do not yet expect to see that most English of institutions go down, when a little compromise will save it. Yet it must continue to exist, if at all, under great concessions to the democratic spirit, which has advanced not only in the political field, but in the domain of economic science. Within the life-time of our Association the aristocratic "wage-fund" theory, that fiction of English economists, has gone to pieces, and an American

economist has laid down the counter-proposition in accord with the democratic spirit, that the "residual claimant to the product of labor is not, as under the old economic doctrine, the capitalist-employer, but the laborer."

This proposition has been developed in a practical way, by our associate, Edward Atkinson, in a valuable paper read before the British Association at Montreal, in which he seems to show that in a given product (of the Massachusetts cotton-mills for fifty years past), the profits of capital necessarily diminish, and the wages of labor increase. This is an interesting statement, which is held by Mr. Atkinson, and other American economists, to point toward a general law. Should their opinion be sustained, the common saying that under our industrial civilization, "the rich are growing richer, and the poor poorer," would not appear to be necessarily true; and one great argument of demagogues, one chief fear of philanthropists would be removed. Col. Wright, our Massachusetts statistician, who has undertaken the perilous task of proposing a fair settlement of the basis of discussion in regard to tariff rates, has for years been working towards the statistical results by which Mr. Atkinson's theory must be proved universally true, if that can be done at all; and we all wish him success in his labor of infinite detail.

The chief topics for discussion in our Health Department, again remind us of the progress made since the Association was organized. College athletics for young men scarcely existed in 1865, in any systematic form, while for young women they did not exist at all, for the good and sufficient reason that there were no colleges for women. But now, as Mrs. Talbot and Miss Lumsden have shown us today, the higher education of women, for which this Association has constantly striven, has proceeded so far that inductions of some value can be made concerning the physical effect of such education. The kindergarten, too, for the better instruction of young children, has come into the American system of education since 1865; and largely by the efforts of a few of our members, Miss Elizabeth Peabody and Prof. Harris, in particular.

Among the questions that will come before the Jurisprudence Department on Thursday, there is scarcely one in which great practical changes have not occurred since we first met, at the close of the civil war. The freedmen, as a class, were created by that war; and their condition, whether before or behind the law, has

been one of the chief political issues in the United States ever since. Our Association has never shrunk from the discussion of this topic, not as a political issue, but one which involved every department of our organization, the national education, health, finance, jurisprudence, and social economy. We are fortunate in its treatment by one who has shown as much skill in the reasonable presentation of facts, as in the delightful rambles and resources of fiction.

The laws concerning insanity and the punishment of crime, which are to be debated on Thursday, have been greatly systematized and made more uniform throughout the country, since 1865; yet much remains for this Association, and the specialists in each field, to do, as will doubtless appear in the discussions of the Jurisprudence Department.

On our closing day, the immediate application of civil-service rules to the various official grades in the States and cities will be the chief subject for debate; and none could be of more vital importance to good government and the whole disposition of our social economy. It is in these minor matters, rather than in the more extended concerns of the national government, that civil service comes home to the business and the bosoms of men, as a daily affair of their security and comfort. This subject connects itself with that of public charity, concerning which several questions will be raised by Miss Cohen's statement of Hebrew charities,—the alms-giving and alms-avoiding usages of that ancient race, from whom the modern world has derived its religion and no small part of its culture and discipline in life. We thus return at the close of our session, to that which was the beginning of Social Science,—the revelation of God to man through institutions and precepts, now hallowed by age and venerable even in misapprehension and error.

For we cannot too often consider and repeat that the origin of every science, and preëminently of the social sciences, is divine; that these fruits of man's wisdom, whether ripe or unripe, fall to us from a celestial tree, and do not spring up by chance, or in the course of rude nature from the earth on which we tread. "I cannot tell," said Sir Philip Sidney, in his translation of the French Calvinist Duplessis' argument against atheism, "whether I may wonder more at the good insight of the philosophers in the knowledge of many natural things, or at their blindness in the knowledge

of the Author of them. The things which we are to do in times to come, be already present in His sight. He knows men's natures in the seed, whereas we scarce know them in the flower." It is by the fruit, indeed, that we judge the principles of human conduct, and the character of men in action,—whose activity in its infinite variety, is the subject-matter of Social Science. To "know men's natures in the flower," by a scientific prediction, is what we aspire to; and there are men of genius who can guess at that in the seed, as Shakespeare and other great poets have done. Such an intuition of Social Science is denied to us, as to most men; we must proceed by the slow methods of observation and inference, guided always by a faith that teaches us the wisdom, the permanence and the goodness of that Power by whom the natural and the supernatural order of the universe is established and forever continued.

"Clothed with state and girt with might,
 Monarch-like Jehovah reigns,—
 He who earth's foundations plight,
 Pight at first and yet sustains;
 He whose stable throne disdains
 Motion's shock and age's flight,—
 He who endless One remains,—
 One, the same, in changeless plight.

Rivers—yea, though rivers roar,
 Roaring though sea-billows rise,
 Vex the deep and break the shore,—
 Stronger art thou, Lord of skies!
 Firm and true thy promise lies,
 Now and still, as heretofore;
 Holy worship never dies
 In thy house where we adore."

PAPERS OF THE FINANCE DEPARTMENT.

I. THE SCIENTIFIC BASIS OF TARIFF LEGISLATION.

BY CARROLL D. WRIGHT, A. M., Chief of the Massachusetts Bureau of Statistics of Labor.

(Read September 10, 1884.)

In a commercial sense there are two great parties in this country, the Free Traders, and the Protectionists. The two great political parties have not, in recent years, drawn their lines distinctively on the issue of free trade and protection, because the two great commercial parties furnish a large portion of the members of the two great political parties, and so interchangeable and so thoroughly interwoven are the commercial elements with the political elements, that such a division is not likely to occur until one or the other system of commerce, or of trade, can be demonstrated beyond a doubt as the best system or policy for this country to adopt. This condition exists because the discussion of the tariff is still carried on within the realms of theory, neither party being able to demonstrate the correctness of its theory when reduced to practice. Of course all true theories must be true in practice in the long run, but the difficulty is that some conditions essential to the perfect working out of the theory do not exist when the principles of the theory come to be applied. This is very clearly illustrated in one of the great fundamental features of the tariff discussion.

There are in this country 90,000 operatives engaged in the manufacture of woollens; it is true, theoretically, that if woollen goods can be manufactured cheaper by English, French, German, or other operatives than by the American, the American consumer is entitled to the benefit of such cheaper manufacture, and that the 90,000 woollen operatives should therefore vacate their trade, and seek some other occupation, and let the manufacture of woollens take place where it can be done on the cheapest basis. This, theoretically, is the true doctrine without doubt, but, in order to have it work practically, we must, in the first place, secure the perfect mobility of labor, and until such mobility can be secured, the theory, however fine, or however true, can not find a practical application, because, as the conditions of industry now exist, such a number of operatives could not successfully seek other employ-

ment. This immobility of labor does not antagonize the theory at all, even in practice, for theoretically, the 90,000 woollen operatives would, in the long run, either find something else to do, or live a miserable existence until they needed nothing more to do. So, the theories of the free trader and of the protectionist, as illustrated by this one instance, cannot be so clearly demonstrated to the common mind as to make the tariff question as yet, a clearly defined political issue.

The discussion is still further involved, and to a great extent, by the want of illustration, that is, of sufficient data, whereby either theory can be clearly demonstrated; the advocates of the two great systems depend so largely upon assertion and assumption, and so little upon actual facts, that the common verdict, reached by the majority of the people, is that the tariff is a muddle, and even enlightened men, who have not made a special study of the question, do not hesitate to say that they do not understand what it means.

The advocates of each great commercial system bring to their advocacy great learning and great intelligence, and we are bound to say, when we look at the character of the advocates, thorough integrity, and we must also assume that each party, as represented by its members, is seeking only the good of the whole country, and yet sometimes, the asperity of the discussion, and it is too often so, would indicate that each thinks the other party is seeking only the destruction of the industries of the nation. Honest men honestly believe in the correctness of the positions they assume with reference to this great question, for this question is either a vital one, or it is not; the tariff either has a great influence on the prosperity of the masses of a country, or it has not; the welfare and the happiness of the wage receivers are enhanced by the existing policy, or they are not; the industries of a country are either built up, or restricted in their building up, by the influence of tariff legislation; the people are robbed, or they are not robbed, through import duties; they are swindled as consumers, or they are not, through the influence of these duties; and taking these questions as fundamental in the tariff discussion the tariff question does become a vital one, and if it is a vital question now, it has been a vital question in the past, and must be so until it is settled; and yet with these vital elements there are two sides, each of which is hotly fought. And this hot contest, it would seem to an ordi-

nary observer, should have been productive of sufficient intelligent data, on which legislation could be correctly based, long ere this.

A very brief and casual study of tariff legislation in the United States, proves to any one that it has not been carried through on any clearly defined basis, or on a sufficiently clearly defined basis to admit of saying that the tariffs of the past have been constructed on scientific groundwork.

It is not my purpose in this paper to discuss the merits or the demerits of either of the great commercial systems. With the exception of England, the protective principle is adopted in nearly all great producing countries, I mean those countries which are engaged in manufactures. In the United States, the free trade party finds its warmest adherents among the economists, students, and those generally who seek the practical application of theoretical systems, and among the great importers. On the other hand, the protectionist party finds its most active adherents among the producers themselves, including the manufacturers and the people they employ, and the producers of raw materials. Here then we have two well defined parties, the theorists on one side, and the business men, or those who must apply principles practically, on the other side. The merits and the demerits of the two great systems are so often and so forcibly set forth by the respective advocates, that no necessity exists for their discussion at the present time. So far as the motive of this paper is concerned then, the rights and the wrongs of the question are not to be considered, but taking the system which exists as one likely to exist for some years at least, the first duty we have in the premises it seems to me, is, to make our legislation depend upon clearly defined bases, and not upon haphazard statements, and not upon the representations of self interest alone.

I presume it is perfectly true that when the tariff acts of the past have been constructed, manufacturers made such representations to the proper congressional committee as in their judgment would indicate for the industries involved the true basis for the establishment of rates. But they could have only the crudest facts on which to base such a judgment; the best part of it was their knowledge of the markets of the world, and of the cost of manufacture, as obtained from very crude data, and the cost of importation, that is, of freight, but they had no well established data on which to make their recommendations to

Congress, and so our tariff acts represent a wide range of judgment, resulting in a wide range of rates of duty, any attempt to readjust which, has only resulted in more and greater discrepancies in the range.

My purpose then, is to show,

1st. What I mean by a scientific basis for tariff legislation.

2nd. The necessity for such a basis.

3rd. How can such a basis be secured?

And 4th. What would be the results of legislation based upon such a basis?

The *First* point, what is a scientific basis, is very briefly answered.

The basis which shall enable legislation to be clearly defined, and just in its operation in every particular, if any legislation is to be had at all, may properly be called a scientific basis.

When facts can be classified in such a way as to show their truth, which truth can be uniformly applied, you have reduced the matter to a science, which is, to quote Worcester, "the knowledge of many methodically digested and arranged so as to become attainable by one." It is knowledge certain and evident in itself. A classification of the facts which bear upon a tariff and by which certain absolute positions as to rates become established, would constitute a scientific basis, as the term is used in this paper, and such classification should be the result of such a wide collection of individual facts as to leave no doubt in the mind of any man, whether free trader or protectionist, of the position to be attained relative to each great industry. I am however well aware that such a basis, even when reached, would be to some extent a temporary one, but I am also convinced that the temporary features of such a basis would relate only to degree and not to the fundamental value of the basis itself, that is to say, the changes in industrial conditions are as a rule so slight, that the variation in the basis scientifically reached would not invalidate its usefulness to any great extent for just legislation. Great industrial disasters, from whatever cause, might result in the radical disturbance of some of the compositions determined by a scientific classification of data, but were such the case, the same methods which secured the original basis, would secure its scientific readjustment, so that the criticism which might perhaps properly be made upon the basis which I shall indicate, has not deterred me from prosecuting my study.

Second. Is there any necessity for a basis such as that indicated? To my own mind there is, and I come to this conclusion from the character of the discussion between the two great commercial parties, and from my own observations extending over a number of years.

A recital of some of the leading points made by the advocates of each great system, would indicate the necessity of some basis even for discussion, whether we have a basis for legislation or not. One following the discussions, will notice that American free traders allege that protection is the cause of the frequent recurrence of labor difficulties in this country, while English free traders allege that our protective policy causes English labor difficulties. Again, English manufacturers have in many instances said to me, when asking the cause of the silent looms and machines in their works, that they are rendered silent by our protective policy, at the same time in argument, they have always claimed that the application of their national policy in America would secure a far greater industrial prosperity in this country than has yet been witnessed. Again, it is claimed by the advocates of free trade that the wonderful industrial prosperity which has blessed the English people is due entirely to their policy of free trade, while all protectionists claim that the wonderful industrial prosperity which has blessed the people of the United States is due entirely to protection.

Two or three illustrations of these adverse claims may be necessary.

John Bright, who certainly is an ardent free trader, in his well known speech at Birmingham in June, 1883, on the presentation to him of an address and plate, at the Bright celebration, made a very careful review of the industrial condition of England now, as compared with what it was before the adoption of free trade. He showed by facts and figures which cannot be disputed, that wages were higher, that the condition of the workingman is better, and that the progress of the country during the period stated had been wonderful indeed, all which, he claimed, was due to the adoption of the principle of free trade. If you should turn from Mr. Bright's speech to the multitude of speeches in favor of protection made in the United States Congress during the last session, during the debate on the Morrison bill, or in speeches made whenever the subject of the tariff has been before Congress, or if you will refer

to any of the protectionist writers, or if you want something more easily reached, Mr. Blaine's letter of acceptance, you will find it claimed without exception that American prosperity is due to the protective policy of our government. One can pick up any of the pamphlets which are issued in advocacy of either of the two great principles, and find plenty of evidence of the truth of the statement I have made. Both these claims cannot be correct.

Again, it is alleged that the periodical stagnation or depression in American industrial enterprises is largely, if not wholly, due to protection, because protection prevents our manufacturers from finding a foreign market for their surplus goods, and that free trade here would prevent such recurrence, while the fact exists that in Great Britain, under free trade, the same conditions are met with, and that stagnation there when it does come, is as severe as any that we experience. The American and the English manufacturer alike demand extended markets for their surplus.

There is something in this besides the influence of free trade and protection.

The free trader urging the adoption of free trade in America in order that surplus products may be sold abroad, claims at the same time that "there are scores of profitable industries that cannot now be carried on in this country on account of the tariff, but would spring into existence as soon as it was removed."* On the other hand, the equally intelligent protectionist says in substance, there are scores of industries now carried on because the tariff does exist, that with its removal would be abandoned.

Which of these two propositions can be demonstrated as true? one must be false, but it is said by a prominent writer that the guarantee for the anticipations of the results of the adoption of the English system "is in a correct understanding of the laws of production and commerce."† Such an understanding would also settle the question relative to the extension of trade, so as to secure a market for the surplus products of both free trade and protective countries. I am afraid that the conditions of Prof. Sumner's guarantee cannot be accepted for many generations. Certainly not while eminent doctors disagree.

Again, it is claimed by ardent protectionists, that protection is the sole cause, or if they do not go so far, that it is the leading

* W. G. Sumner, in "North American Review," September, 1884.

† Ibid.

cause, of the advance of wages in America, while the free trader, on the other hand, claims that the advance of wages in Great Britain is due to the policy of free trade, while any careful investigation will show that there has been an advance in wages during the last fifty years in both countries, and that so far as the manufacture of textiles is concerned, the advance has been nearly equal under the two great commercial systems.* This one fact shows that the claims of each party as to wages is entirely without foundation.

The discoverer of the causes which regulate the rates of wages has not yet seen fit to give his name to the public. It is perfectly easy to discuss the question of wages in various lights, and to assume this, that, or the other cause as most powerful in their regulation, and yet, one rises from a study of such discussions entirely unsatisfied.

My friend, Mr. Atkinson, has come nearer to a satisfactory explanation than any other writer, or rather I should say, nearer to the practical demonstration of the best theory on the subject than any other writer. Probably President Walker has more clearly stated a theory which can be demonstrated than any of his contemporaries; but the great causes are still beyond such demonstration as will satisfy all men alike of their fundamental character. Certainly, the permanent influence of the tariff upon wages is a mooted question.

To be sure, the protectionist quotes the high wages of America to substantiate his ground, and he puts them in comparison with the lower wages of England; the free trader turns upon the protectionist, and while he admits the higher wages of America quotes the low wages of the protectionist countries of Europe in comparison with the rates paid in the free trade country of England. I have been waiting to see some writer go still further in the race, and quote the still lower wages of countries way down in the scale of civilization in comparison with the rates paid in the protective countries of Europe.

The free trader without being able even to hint at the proof of his assertion knocks the protectionist down with the statement that wages are high in America notwithstanding the tariff, and would be whether we had a tariff or not. The protectionist trips up the

* See chapter on wages in "Factory System," Vol. 2. Report on the United States Census of 1880.

heels of the free trader by his assumption that wages are higher in England than on the continent, without regard to the tariff, and thus each uses the other's arguments so far as wages are concerned to prove himself in a muddle, and we get no nearer the truth, and the whole discussion consists largely of assertions and assumptions.

Again, it is observed that nearly all the arguments in favor of either great system of commerce are usually based upon the same array of statistics, when statistics are used, and the student who does not care which system prevails but who is simply seeking the true one, concludes that, as a rule, the pretended arguments are mere assumptions, the assumptions being the results of the theory of the speaker or writer, and that the theory is usually the result of his relation to the industries of the country. That my own statement in this respect may not mark my own condemnation, and be considered a mere assumption, allow me to illustrate.

In a little work, entitled "Wages, Living, and Tariff," by Mr. E. A. Hartshorn, now prominently before the public, the results in the United States of the various tariff measures, or rather the results of the two systems of commerce during a period of seventy years from 1813 to 1883, have been summarized, and from this summary we find that the writer concludes, that under the free trade or revenue tariffs, as established in 1817, 1834, 1846, and 1857, labor was seeking employment, wages low, emigration declining, farm products low, manufactures high, revenue, public and private, small and decreasing, bankruptcy nearly universal, the national status one of growing dependence, and the national credit bad; while under the protective tariffs, as established in 1813, 1828, 1842, and 1861, labor was in demand, wages high, manufactured products low, public and private revenues large and increasing, public and private wealth increasing, the national status one of growing independence, and the national credit good; and the writer then remarks, "in the presence of these important historical facts, let the candid reader remember that the American people have never yet attained the best results of protection, nor the worst results of free trade," and further he asks this question, "if the results of partial protection to labor have been so satisfactory, and the results of partial free trade so unsatisfactory, which system shall we choose?"

In laying down Mr. Hartshorn's pamphlet, and picking up the

admirable treatise of Mr. Henry Loomis Nelson, entitled, "Our Unjust Tariff Law," we find in his chapter on "What a low tariff did for the country" the following statement:—"there never was a period of greater prosperity in the history of the country," and then he goes on with an elaborate and very carefully adjusted statement of facts to prove the correctness of his assertion, and concludes, while referring to the very tariffs which Mr. Hartshorn claimed were productive of so much evil, by saying, "no other decade, excepting that during which the country was blessed with a revenue tariff, has such a story of prosperity to tell as these ten years have stamped on our history. No other decade will have such a story to tell, until the Government ceases to tax four-fifths of the people for the benefit of a small fraction of the other fifth."

I have quoted these two little works to illustrate my point instead of quoting larger and more elaborate treatises, and perhaps more standard works, because these two that I have named are prepared with apparent candor and integrity, and are being widely read, at the present time, by the people, but the same features might be illustrated, and very fully too, from older and more standard works. Certainly, if we turn to the newspapers of the day, we find statistics relative to imports and exports, and the trade and productions of the country, brought into elaborate tables, and arrayed on either side, and if we did not know the tendency of the paper in which we found these arrays of figures, we should not know upon which side they were used as arguments, unless the writer was careful to announce his point.

The feat is constantly attempted of bringing diverse conclusions from the same premises. A recent writer * quotes the low interest at present paid for the use of capital in this country, as a demonstration that obstruction to imports or exports immediately acts to reduce the value of capital; but what has reduced the rate of interest in England? Our own rates of interest are now approaching the rates of interest paid in Great Britain. What has the tariff to do with it?

The same writer, with all the facts before him, concludes that the average rate of wages paid in American cotton mills, in proportion to the number of hours at work, is actually less than it is in England; and then, after arraigning the theories of his opponents, says, "that all these theories are the purest assumptions, not warranted by facts, and directly contrary to experience and

* Thos. G. Shearman, "North American Review," September, 1884.

reason." This is exactly the charge made by protectionists, and upon the same array of facts.

Another charge which is reciprocally made is, that "men whose minds have once closed with a good grip on a dogma, never give it up on account of facts of experience, or on account of absurdities into which it carried them."

All these attempts to secure antagonistic conclusions from a single premise, thoroughly illustrate the necessity of a scientific basis, not only for tariff legislation, but for tariff discussion.

With the one secured, the other follows. This necessity is further illustrated by a study of the rates of duty established by law, and when this study is made, it is no wonder that the tariff is declared to be a muddle. The table showing the excess of tariff duties over cost of labor, prepared by Hon. Thomas J. Wood, of Indiana, for use in debate on the Morrison tariff bill, is exceedingly valuable in this connection. By this table, it is shown that the smallest excess under the existing tariff is 5 per cent., and the largest about 80 per cent. A comparison of the wage statistics reported in the Fifteenth Annual Report of the Massachusetts Bureau of Statistics of Labor, where the percentage of excess of wages paid in Massachusetts over those paid in Great Britain in like industries is mathematically stated, with the rates of duties affecting the same industries, would show a discrepancy as large as that displayed by the table prepared by Mr. Wood.*

* The disparity between the average wages paid in certain industries in Great Britain and Massachusetts, and the average duty laid on the products of such industries, is shown in the following table:

Industries.	Average weekly wages higher in Massachu- setts than in Great Britain, by percent- ages, as follows.	Average duty laid under ex- isting laws. Per Cent.
Agricultural Implements,	15.8	35 to 40
Artisans' Tools,	141.3	45
Boots and Shoes,	166.1	30
Brick,	107.5	20
Carpetings,	47.9	49.78
Carriages and Wagons,	162.2	35
Clothing,	49.1	35 to 60
Cotton Goods,	38.4	38.3
Food Preparations,	260.7	20
Furniture,	38.7	35
Glass,	76.9	25.2 to 68.5
Hats,	99.8	35 to 50
Hosiery,	39.0	40 to 55
Metals and Metallic Goods,	52.0	45
Printing and Publishing,	106.0	25
Wooden Goods,	115.0	35
Woollen Goods,	42.0	64
Worsted Goods,	103.3	49.8

These two statistical illustrations show most forcibly the necessity of a scientific basis, so far as arguments drawn from like premises are concerned.

Again, one party asserts that the people are robbed through the action of the tariff, that the manufacturer may gain wealth; while the other side as strenuously asserts that the manufacturer gains nothing beyond his legitimate due, and that the payment of taxes for the support of the national government through consumption is the easiest method for providing for our national budget. One of these propositions must be false, and the proper basis for tariff legislation would prove which one is false.

Finally, the necessity of such a basis as I have indicated is proven, because no adequate data exists for determining the indicative points presented.

Third. If there is a necessity for a scientific basis for tariff legislation, how can it be reached?

Such a basis can be reached only through a knowledge of all the facts bearing upon the question, and these facts have not as yet been classified. They may have been collected in part and exist in fugitive condition, but as yet without thorough classification. To reach this classification, I submit four propositions:

PROPOSITION I. *a.* There should be a classification of all articles on which a duty is now laid, and the rates on each article.

b. There should be a classification of articles on which duties are now laid, showing those articles, the duties on which are intended for protection, and those on which the duties are laid simply for securing revenue.

c. A classification of such articles as are produced in this and other countries, and in what countries.

d. A classification of such articles as are produced in other countries only, and in what countries.

e. A classification of duties imposed upon such articles under the various tariffs.

f. A classification of what may be termed natural industries of the various countries, in competition with the United States.

PROPOSITION II. *a.* A collection and classification of data relating to the composition of the product of all leading articles named in Proposition I, and showing the percentage of labor, raw material, etc., entering into the product in each of the leading

countries where such articles are produced, such data to be collected entirely from original sources.

b. The collection and classification of data, showing the cost, including all elements up to the selling price of such articles in the leading countries where they are produced, such data to be collected on samples as far as possible.

c. A list of jobbing and retail prices of all such articles in the countries where produced.

d. The cost of importation of such articles as are produced in countries abroad.

e. A list of jobbing and retail prices in this country of such articles.

f. The jobbing and retail prices of like articles produced in this country.

g. A summary of prices of such articles with and without duty charges, and under various tariffs so far as possible.

[This proposition involves rates of wages paid, in the industries involved, in various countries, the efficiency of labor in the countries involved, the capacity of machinery and all other elements affecting cost of production; and the mathematical working out of the results of the proposition, would show exactly what consumers of articles imported and produced here pay for goods on account of the tariff, and what they would have to pay if no duty were laid on the articles named.. It would also enable one to find that rate of duty absolutely essential to place the American producer on an equal footing, and on the same footing, so far as goods offered for sale in our markets are concerned, with the foreign producer, the foreign producer having thereby no advantage in this country that he would not have were his works located here. With such a rate in our leading industries, which would be a mathematically correct rate, duties could be levied on that rate, or above it, or below it, as the exigencies of the country might demand, but the people would know the exact point, and that a duty laid above it would be for protection as well as for revenue. If the rate were laid exactly on the rate mathematically determined, then the consumer would know that he was paying the same for his goods that he would pay were there no foreign manufacturers of the same goods in existence. If a duty above this mathematical point were laid, the consumer would know that he was paying something towards the running expenses of the government, and that at the same time he was aiding in the exclusion of foreign products.

The working out of this Proposition II, would also enable the United States Government to adopt, with regard to every leading industry, the well established principle adopted by the British Government, and as at present practised by that Government, of laying a duty on the importation of certain articles on which an excise tax is laid at home, so that the importer shall have no advantage over the home manufacturer on account of the excise tax paid by the latter.]

PROPOSITION III. a. A classification of data, showing the amount of tax paid by consumers on account of tariff, such amount to be shown by means of budgets of annual expenses of families in various grades of life.

b. Data showing what a "per capita" tax would be on the basis of our national expenses, should the revenue be raised by such a tax.

c. Data showing what a property tax would be on the basis of raising our national revenue by such a tax.

d. Comparative statistics giving the results of the data as to the three methods, namely, per capita, property, and an import duty method of raising our public revenue.

[The working out of this proposition would show which method would bear the lightest and the most justly on the people, and it would also show what grade of consumers, using the word grade with relation to annual expenses, bears the tax burden chiefly.]

PROPOSITION IV. A statement of the preceding propositions, mathematically wrought out.

These propositions embody only the leading features of what I should call a basis for securing the proper information for ascertaining a rate of duty in each industry which should equalize the advantages and the disadvantages of foreign and domestic producers, and the process of taxation by which the consumer should be justly taxed, and by which he should know whether he was being justly taxed or not.

If a single illustration of the point I would attain, with regard to each leading industry, is required, it will be found in the supposition, that if in woollen goods, after the collection and analysis of the information I have indicated, and all other information relative thereto, it should be found that the American producer of broad-

cloth stands at a disadvantage of \$1.00 per yard as compared with the British producer of the same kind of goods, then a tax of \$1.00 per yard would simply place the foreign and American producer on an equality; in other words, the American manufacturer of broadcloths, if a tax of \$1.00 per yard were laid on his product, would have no inducement to abandon his factory in America and set it up in England. If the tax of \$1.00 per yard were not laid, it would be for his interest to abandon his factory in America, and move to England, or to Canada, or out of the country somewhere, where the same conditions which give the foreign producer the advantage of \$1.00 per yard, exist, and there set up his works. Having a tax, exactly and mathematically determined, as essential to place the foreign and domestic manufacturers on an equality, the consumer of broadcloth is simply aiding in preserving that equality when he purchases broadcloth, and through the duty which he pays, he is not enabling the manufacturer to ask any more for his yard of broadcloth than he would if no duty were laid. The revenue is preserved and no advantage given to the American producer, nor is he placed at a disadvantage through the location of his factories in this country instead of in some other. If now Congress wished to protect the American manufacturer of broadcloth, that is to say, put him in a position where the foreign producer of the same goods could not compete with him, then any tax or rate of duty on broadcloth above \$1.00 per yard would be essential, and he could ask a higher price for his goods on that account, and the home consumer could purchase the foreign article if he chose, although it would be enhanced in price on account of the duty beyond the one dollar. The distance beyond the \$1.00 per yard of the duty laid upon broadcloth would determine whether the duty was a protective one or a revenue duty only, and the public would know exactly what kind of duty it was paying.

The result of this illustration if it could be applied to all leading articles would soon define the lines of the parties in this country, and would soon determine the question of how far a tariff shall become protective. Do not misunderstand me in the use of the word protective, I use it in its literal sense, that the protective duty excludes foreign products. The consumers, under the basis I have indicated, would clearly understand the question.

One of the chief advantages of determining mathematically the

rates essential in each great industry to the preservation of quality between the domestic and foreign producer would be in the wise adjustment, or rather, extension of the free list; that is to say, with the results of such a basis we would know exactly what articles could be placed upon the free list without injury to the domestic producer.

The great question of the reduction of the surplus revenue, which now disturbs the minds of the people, would be easily settled, or at least the surplus could be so adjusted that it would not be a source of anxiety to those who see in the accumulation of surplus, a danger far exceeding that attending a great indebtedness.

One of the chief results, and to my own mind the most just result of legislation upon such a basis as I have outlined, lies in the fact that all articles would be taxed with perfect fairness and equality. I cannot better illustrate this than by quoting from J. B. Sargent's recent article on the "Evils of the Tariff System," found in the September "North American Review:" "No article is entitled to a higher tariff for protection than any other, or, in other words, the people should not be compelled by the Government to pay to the producer of any one article, a greater percentage of extortion than is paid on another. In all cases where one article has a higher rate of tariff than another, either no attempt to produce the higher rate article should ever have been attempted in this country, or there was improper and unholy scheming by, and favoritism to, the producers or manufacturers of it."

The morality of this proposition cannot be controverted.

A further advantage of correctly adjusted duties lies in the ease with which they are readjusted. Under the conditions indicated, a bill for the horizontal readjustment of rates would be logical.

I am perfectly well aware, that as regards some industries, the attempt has been made, on a limited scale, to apply the force of the facts especially to the correct adjustment of tariff rates. This has been notably so in this country in the woollen industry; but, even here the application has been only one of degree.

I am also aware that the carrying out of the propositions laid down would involve on the part of Congress quite a large appropriation. I believe all the data indicated could be collected, classified, and each rate mathematically wrought out at an expense not exceeding \$50,000, but the expense, even at \$100,000, would

be productive of far greater good than has been secured by much larger appropriations for similar purposes, but without similar motives.

I cannot, of course, say where an investigation of the nature indicated, would lead politically, whether it would aid the party of Free Traders, or the party of Protectionists; but I am of the opinion that it would lead to a discovery of rates which would be mathematically and scientifically correct, and morally just to all. The working out of the propositions laid down must be done fearlessly and without regard to results, for the necessary investigations should be made with a patriotic view of benefiting the consumers and the producers, without reference to individual interests.

I am sure there is nothing chimerical in the scheme; on the other hand, I am sure, from the necessities of the case, that with such a basis as I have indicated, or any other which will secure the results which I think this would secure, the tariff question would assume a simplicity in its constituent elements which would enable all men to understand it, and which would secure its early and final removal from the politics of the country. Certainly these are results to be desired by all patriotic citizens.

II. THE FINANCIAL STANDING OF STATES.

BY PROF. HENRY C. ADAMS, OF CORNELL UNIVERSITY.

(Read Wednesday, September 9, 1884.)

One of the most curious chapters in the history of American financiering pertains to the second period of State indebtedness. This period covers the years from 1830 to 1850, and receives its peculiar character from the fact that States undertook financial operations of a business nature. It is not, however, mere curiosity that leads one to study this chapter of local financial control, for it is full of pertinent suggestions, and is capable of throwing somewhat unaccustomed lights upon certain questions of current interest. My plan of treatment, in the present paper, is not at all ambitious, since it extends no farther than an orderly statement of the general facts, together with an explanation of the relations in which they stand to each other. In this manner, it is believed, the true meaning of the period will stand forth, for facts orderly arranged will the best interpret themselves.

After the assumption by the Federal government of those local obligations incurred during the progress of the Revolutionary war, the States as political sovereignties, made no extensive use of public credit previous to 1820; nor was it until some twelve or fifteen years later that they appealed lavishly to this source of revenue. How lavishly this appeal came finally to be, appears from the figures which show the growth of local debts. During the ten years following 1820, public stocks were authorized in the various States to the amount of twenty-six millions of dollars, of which nearly eighteen millions were held against the three States, New York, Pennsylvania, and Ohio. Between the years 1830 and 1835, forty millions more were added to the obligations of the States, while the three years previous to 1838 witnessed an increase of local indebtedness to the amount of one hundred and seven millions of dollars. The total liabilities resting upon the States in the year 1843, including both direct and floating debts and loans of credit, reached the sum of two hundred and thirty-one and six-tenths millions of dollars. These figures, it is true, may not appear excessively large at the present time, accustomed as we are to speak and think in millions, but at that day, before

the system of public debts had been generally developed, and before men had adjusted their habits of thought to concentration of capital, they excited the alarm of all citizens. Nor will it be inappropriate in this connection to remark, that it is not the magnitude of an operation that renders it interesting to the student, but its position in the general development of a peoples' life; so with regard to this period of financial control, it is not the amount borrowed that commands our attention, but the consequences rather of the fact that local governments borrowed at all, and the far-reaching influence of that policy which led the States to assume control of great public enterprises.

What, then, are the specific questions, an answer to which will lead to a satisfactory understanding of this chapter in local financial history? They must be such as will lead to the heart and life of the period. They must call for a clear explanation of this unwarranted expansion of liabilities. They must discover to us the purpose for which such large sums of money were borrowed, and the political idea in harmony with which States were induced to assume these extended obligations. But more than this is required. A complete understanding of the period demands an explanation of the fact that men with money were willing to place it at the disposal of the States.

After the crash came, which followed closely upon such a lavish use of credit, and they who had loaned money found themselves without security, complaints were loud and censure was severe. A quotation from the *London Times* well illustrates the feeling engendered: "America," says a writer in that journal, "is not the country it is cracked up to be; too many speculators and gamblers,—indeed, to be plain, I look upon it, from Maine to Florida, as one vast swindling shop." Yet a swindler is impossible without some one who is willing to take risk of being swindled. A period of expanding credit means eagerness to lend as well as to borrow. To understand this period, therefore, one must discover also the source of that confidence which was granted without question to the States.

In following out the line of study suggested by these queries, the first fact to which I would call attention, is neither financial nor industrial, but political. The year 1830, which marks the rise of the borrowing period among the States, witnessed the reversal of certain political tendencies, which, up to that time, had main-

tained in national affairs. The spirit of ultra democracy proved to be in the ascendancy, and many measures were adopted by the dominant party, the purpose of which was to weaken the administrative power of the central government. It was as a subordinate part of a general policy that the States were brought into the foreground and imposed with new duties, and it was through their response to demands made upon them that they became financially embarrassed.

What is here intended may be clearly perceived if one will pay some little regard to the notion of local government as it appears in the development of national politics. Political parties in this country arose out of the controversy respecting the adoption of the constitution. The point at issue was the following: — Is this constitution a national or a Federal instrument? Will it ultimately result in the establishment of an Empire or a Republic? The story of the manner in which the name Federalist came to be the name of the national party is interesting, because it shows what must have been the ruling sentiment of the people in the years 1788 and 1789. It was tacitly admitted that an anti-Federal constitution could not be adopted. At first, the anti-adoptionists called themselves Federalists, as showing the ground of their opposition to the proposed government. Their opponents saw the strength of this position and the power of their party cry, and with true strategic insight, determined to capture the name. The whole argument, therefore, ranged about the question as to which party truly represented the Federal idea. The result is familiar. The anti-adoptionists were driven from their stronghold; they first assumed the name of Federal-Republicans and then of Republicans. This is the party properly regarded as the historical progenitor of both Jeffersonian and Jacksonian Democracy.

The first three administrations were under the control of those statesmen who had persuaded the people to accept the Constitution. Their tendency was naturally toward consolidation of power and an enlargement of the duties and functions of the central government. No one can deny that this was the result of the first twelve years of national life, while many may be found ready to defend this tendency as an inevitable and a just policy. In the treasury department, indeed, a method of doing business was adopted which no House of Commons would have tolerated since the time of William III. In 1801, the Republicans came to power, but

such was the condition of foreign affairs that they were unable to redeem their campaign pledges and restore to the States any of their lost importance. Their tax reform counted for nothing, while the Louisiana purchase showed that the trend of events toward adequate nationality was stronger than the avowed purpose of a party. Nor must it be forgotten that Albert Gallatin, the guiding member of the Jefferson cabinet, was a statesman of broad and national policies. This is evidenced most strongly by his grand scheme of internal improvements which he hoped to realize through the agency of the Federal treasury. Then came the rise of the war party, and the establishment of the "American system" of protection, both of which worked to the detriment of the States and increased the relative importance of the central government. During the years following the second war, let us say from 1818 to 1828, the centralizing forces appeared sufficiently strong to occasion grave apprehension, and in consequence there arose a conscious reaction against them. The opposition thus engendered proved to be of two sorts. The one found expression in the metaphysical doctrines of Calhoun, the other in the practical measures of Jackson's domestic policy. It is this latter with which we are especially concerned, for it was in harmony with Jacksonian ideas that the States again assumed the rôle of practical administrators and became the centres of public activity. The policy of decentralization adopted in 1830, was extremely simple, consisting as it did in throwing certain duties previously performed for the States by the central government, upon the States themselves, thus granting them the chance to work out their own political integrity.

It appears then that after local quiet of more than forty years, the State governments again found themselves the centres from which all important measures of public domestic policy must proceed. The dominant political ideas were such as to encourage an extension of local activity, and the conception of corporate or private management had not developed sufficient strength to assume control of certain great enterprises which the times demanded. The States were thus forced into a prominent position.

What I present here as the second step in explaining this period of local indebtedness, may perhaps be regarded as a mere illustration by specific example of that which has just been stated, but it possesses also an independent and direct importance since its purpose is to show the objects for which the States borrowed money.

Previous to 1830, the United States government had maintained a partial control over two lines of activity which not a few regarded as reserved by the Constitution to the several States. Thus the establishment and maintenance of currency other than coin—or, in other words, the control of a national bank—was believed by many statesmen to lie outside the delegated powers. With the exception, however, of the years intervening between 1811 and 1816, the United States had been stockholder in, and in large part manager of, an extensive banking concern, through the medium of which the currency of the country had been for the most part controlled. The other line of activity which the central government entered upon to some extent and desired to follow out yet more intensely than in reality it was enabled to do, pertained to the establishment of inland highways of commerce. The original incentive to this was political. Thus Washington clearly saw that a country of such vast extent and variety of territory as that ceded by Great Britain, could not be held together except by community of interests between the various sections, and that this community of interest could only arise from easy and continuous intercourse in trade. His own words will show how strongly he felt on this point. "I need not remark to you," wrote he to the Governor of Virginia, "that the flank and rear of the United States are possessed by other powers, and formidable ones, too; and how necessary it is to apply the cement of interest to bind all parts of the Union together by indissoluble bonds—especially that part of it which lies immediately west of us with the Middle States. For what ties, let me ask, have we upon the people (in the Mississippi valley)? How entirely unconnected with them shall we be, and what troubles may we not apprehend, if the Spaniards on their right, and Great Britain on their left, instead of throwing stumbling blocks in their way, as they now do, should hold out lures for their trade and alliance? What, when they gain strength (which will be sooner than most people conceive, from the immigration of foreigners who will have no predilection for us, as well as the removal of our own citizens), will be the consequences of having formed close connections with either or both of these powers in a commercial way? It needs not, in my opinion, the gift of prophecy to foretell." The Western States, he went on to say, "hang on a pivot," and to turn their thoughts Eastward rather than Southward,

he proposed that easy means of communication be provided between the two sides of the Appalachian mountains.

It is quite natural that the conception of public improvements which sprang from the idea of nationality, should find ready acceptance with men infused with national sentiments. Even the plan which Gallatin presented in 1807, according to which twenty millions of dollars were to be maintained as a revolving fund for building highways of commerce, was, to say the least, far-reaching in its tendencies, although intended to be in harmony with the recognized rights of the States. During the years previous to 1830, it will be remembered that one of the great questions of national policies was the building of canals and wagon roads. A national board of Internal Improvements had been established, national surveys were being carried on, and had not certain questions that imperilled the general safety forced themselves upon public attention, we should now have been able to write the experience of national improvements actually undertaken. According to Benton, "the candidates for the presidency spread their sails upon the ocean of internal improvements." As early as 1824, when Monroe placed his veto upon the Cumberland Road bill, the sentiment favoring internal improvements was general, and became more intense through the administration of John Quincy Adams. Many, however, believed that no warrant could be found for this duty in the Constitution. This was the burden of the veto message. Said Mr. Monroe in that document:—

"It is of the highest importance that this question be settled. (That is the question as to whether Congress had the right to manage roads running through the States.) If the right exists, it ought forthwith to be exercised. If it does not, surely those who are friends to the power ought to unite to recommend an amendment to obtain it."

The culmination and the break of this movement appeared in connection with the Maysville Road bill. Jackson's veto of this bill gave expression to an idea respecting the proper placement of authority, which had come into control by the election of 1828. The programme adopted was one of negative action. Congress was prohibited from doing many things which before it had undertaken or desired to undertake, and these duties were thrown on the shoulders of the States. They were of such a nature as to call for a large amount of ready money, and this demand was the oc-

casation for the employment of local credit. The Southern States borrowed to establish banks, and thus "create capital" for those sections; the Northern States, on the other hand, were more deeply interested in public highways of commerce, and made this the occasion for entering upon debt financiering.

Now, to my mind, it is of some importance that this relation between what may be termed the national and the local theory of internal improvements be clearly recognized, for then only can one understand the unbounded enthusiasm with which the local governments went into the business of supplying the country with canals and roads. It seems that the strength of this enthusiasm had grown up under the fostering care of the Federal power, or at least under the leadership of some of the most prominent Federal statesmen. Nothing of importance was worked out in this manner, because of the question of constitutional right; but the movement toward public works under governmental control was by no means ended, because Congress was obliged to abandon the field of direct control. The agency only was changed. The State Legislatures now took the place of Congress, having received, by bequest as it were, the duty to fulfil the wishes of the people, which had for so many years been encouraged by the central government.

The change of policy about 1830, here referred to, was recognized by those who had to do with shaping public affairs. Thus the Hon. Charles Francis Adams, writing in 1840, upon State debts, says: "The Americans are proverbial for never being discouraged. If they cannot carry a point directly, they manage to do it by some round about way. They were determined upon improving the communications between the seaboard and the interior. A very large number of them thought it best that this should be done under the superintendence of a common head, and they proposed a method of action accordingly. But the extent of it excited the apprehensions of a still greater number, and they refused to adopt it. According to them, the business could be only entrusted to the care of the separate States upon whom it in the end devolved. The consequence has been the outlay of quite as much money, if not a great deal more, than would have been expended on the other plan."

It will not be necessary for us to trace the growth of this movement in the various local centres. Sufficient is it to say that the States, as a rule, entered upon the work of supplying public high-

ways with an unbounded enthusiasm, and projected schemes absolutely absurd in their magnificent extravagance. One specific illustration is worth many general statements, and for that reason I venture to present the plan as it was adopted by the Legislature of the State of Michigan.

Michigan was admitted into the Union in January, 1837, and it might be imagined, from the proceedings of her early Legislatures, that the one great purpose for which she sought the privileges of a State was, that she might build canals, railroads and turnpikes, and improve rivers and harbors. The Legislature, in its first session, appointed a "Board of Commissioners on Internal Improvements," and directed them to take the necessary measures for executing the following public works: They were to survey three lines of railroad across the State,—called, respectively, the Southern, the Middle, and the Northern routes, and one shorter road, called the Havre Branch Railroad. They were also to undertake three important canals,—the Clinton, the Kalamazoo, the Saginaw or Northern, and a canal about the St. Mary's river. In addition to this, the Grand, the Kalamazoo, and the St. Joseph rivers were to be improved. The total extent of these works entered upon by the first Legislature amounted to 1,100 miles of highway, of which 557 miles were to be railroads, 231 canals, and 321 improvements of rivers. The population of the newly admitted State was at this time 175,000, from which it appears that the Legislature projected one mile of improvement for every 150 of the inhabitants, which, upon common averages, gives one mile for every thirty votes. Besides these improvements under the direct control of the State, there were in existence, in 1837, twenty charters to private companies for the building of railroads. The extent of lines proposed by these companies was 930 miles, from which it appears that there was over 2,000 miles of commercial highway projected before the State was a year old, and this estimate does not include turnpikes. Some idea of the appropriateness of these plans may be gained when compared with the amount of railroad facilities which the settled experience of the State shows to be adequate to present demands of commerce. In 1881, with a population of 1,650,000, there were but 3,306 miles of road-bed, being one mile for every 500 inhabitants, or every 100 votes. Certainly Governor Barry was correct when, in 1842, referring to this great scheme of internal improvements, he said: "The system so called was

altogether beyond our means, and, indeed, embraced projects of improvements that were not at the time required by the public good."

Such plans as these of the State of Michigan (and Michigan was by no means peculiar in her enthusiasm for internal improvements), do not find adequate explanation in the withdrawal of the Federal government from the direct prosecution of public works. These schemes were magnificent; the years following 1830 were entranced by their own dreaming; the States undertook to perform the impossible, while the legacy of duty which they received from the central government was moderate and rational. The change of policy in 1830 must, as it appears to me, serve as the background upon which all other facts are thrown, but there came at this time a constellation of forces, partly independent and partly the outgrowth of this new policy of Democracy, with which one must acquaint himself in order to complete the full explanation of this second period of local borrowing.

1. In the first place, the States received direct assistance from the general government in money and lands. Not only did Congress give up all claims of active control in matters of inland commerce, but that body donated also the surplus revenue of the national treasury and a percentage upon the sales of all lands to form a fund with which the States could carry out their plans of public works. These moneys formed by no means an insignificant sum in the eyes of the people to whom local debts proved to be the most disastrous. In Michigan, for example, the experience of 1836 gave every reason to hope large things from the funds established by the Federal government. One fourth of all the lands sold in the United States during that year were situated in Michigan, and that was the year in which the public lands were the source of greater revenue than ever before or ever since. The average revenue from this source is from one to three millions of dollars; in 1836 it was twenty-five millions of dollars. Thus, standing on the verge of the year 1837, those who controlled the policy of this State saw coming into the treasury \$280,000 from surplus revenue, and \$175,000 from their percentage on land sales. There was no precedent for such extensive sale of lands, and it is not surprising that this young State indulged in dangerous optimism, not distinguishing between purchases for speculative and for settlement purposes, and not recognizing that these immense

real estate dealings were one of the evil results of the financial policy of the central government. What happened in Michigan happened in other States, and there is no question but that the assistance of the general government, coming at the time when it did, is largely responsible for the carelessness with which local obligations were incurred.

2. But again, the invitation to embark in great public works was especially alluring during the three years previous to 1838, in which the larger part of local debt was created, on account of the process of inflation through which the currency was passing. With the downfall of the National Bank, an era of unsecured paper money ensued. The rapidity with which inferior instruments of exchange grew, upon the reversal of the national policy, may be seen from the following figures giving the notes in circulation, the deposits and loans of the banks. Certain years of interest to us in this connection are alone presented :

	Circulation.	Deposits.	Loans.
January, 1830, . .	\$61,324,000	\$55,561,000	\$200,451,000
" 1835, . .	103,269,495	83,081,000	365,163,000
" 1836, . .	140,301,088	115,104,000	457,506,000
" 1837, . .	149,185,890	127,397,000	525,115,000

This most certainly indicates a period of inflation, and all the results of inflation familiar to the student of economy followed in their most intense form. Values were radically disturbed ; fictitious profits were regarded as real, and this apparent success of moderate endeavors led men to enter boldly into great undertakings ; land speculation was especially excessive, for it was believed that the "vast West" was to come immediately into the market. It is not too much to say that these were years of business insanity. Cool judgment had for the time lost control, and men acted upon an impulse which they themselves were unable afterwards to understand. The enthusiasm of legislators, therefore, was not at all peculiar to State management ; it was merely one of the manifestations of the general enthusiasm of the times. I have collated with some care the enterprises projected by the Legislature in one of the Western States, and those set on foot by private parties,—and I do not hesitate to say that, whether judged from the standpoint of results or of business probabilities, the State authorities showed greater foresight and greater business conservatism than did individuals. The intimate relation between an inflated currency and the projected improvements in the State of

Michigan, is well told by Governor Barry in his message of 1842 : "The conception of the plan on a scale so magnificent," said the Governor, "is to be attributed to the erroneous opinion of wealth produced by a too redundant paper currency. The system was altogether too extended for our wants, and required expenditures beyond our means. It was projected at a time when things were too often viewed through a distorted vision. Property had assumed fictitious value ; national as well as individual revenues were greatly over-estimated, and the minds of men had become inflated by imaginary success in the acquirement of wealth. Individuals embarked with confidence in enterprises which they now regard as extravagant and visionary. The spirit of the times, unfortunately, became the governing policy of States, and Michigan, with a population then less than two hundred thousand, inhabiting a territory new and recently settled, with few immediate resources but her credit, projected a system of internal improvements which would have been a grand undertaking for the oldest and most wealthy States."

3. The programme of public improvements adopted by the several States which led to the extensive employment of local credit, finds further explanation in a fact not at all connected with any policy of the central government. It is usually the case that a wide-spread enthusiasm for any industrial enterprise is imitative rather than original. This is most certainly true of the period we are now studying. The State of New York must be regarded as the pioneer in matters of public works, and the financial and commercial success of the Erie canal exerted no slight influence in leading other States to believe that a like success awaited every enterprise. This highway of commerce was finished in 1826. It immediately became a source of revenue, and proved that the statesmen who urged it upon the people were wise counsellors. Nor was it alone the final success of the enterprise that worked upon the imaginative optimism of other localities, but the accuracy of the calculations also induced men to place great confidence in enterprises similarly managed. In 1826 it was estimated that the debt incurred in building the Erie canal would be expunged in the course of ten years' operation. The figures upon which the conclusion rested are the following. On the side of receipts, the annual income was :

From tolls,	\$700,000
From auction sales,	250,000
From salt duties,	170,000

Chargeable to the revenue which was applied to canal management and debt payment, there was :

Interest on the debt,	. . . . .	\$410,000
Expense of repairs.	. . . . .	100,000

leaving a yearly debt appropriation of \$610,000. Upon the basis of these figures, the debt would be discharged in ten years, and the result of the management of the enterprise showed the calculation to be correct within six months. It was, perhaps, the successful management of this New York enterprise, more than any other one thing, that occasioned the outburst of enthusiasm in favor of local improvements.

There is, however, another fact worthy of attention in connection with the Erie experiment. Previous to the completion of this highway of commerce, the city of New York, like the cities of Boston, Philadelphia and Baltimore, had been a local village, draining the country naturally dependent upon it; but, with the completion of the canal, it at once became a port of importance to the entire country west of the Alleghany mountains and north of the Ohio river. The interests of Philadelphia and Baltimore were placed in jeopardy, and those cities, together with the States in which they are situated, at once undertook protective measures by pushing vigorously their own schemes for inland commerce. Then began that struggle between the seaboard cities for commercial supremacy over the West, which has become more and more intense even to the present time, an essential result of which is the perfecting of commercial facilities. The point which I wish to make is this: About 1830, men in the East were for the first time coming to realize the great possibilities of the West from a commercial point of view, and the rivalry between the various sections of the East to secure to themselves the benefits of the trade which was sure to spring up, induced men in these sections to lend freely to those enterprises which would be of especial advantage to themselves. It was under such encouragement, and because the idea of corporate control had not yet been sufficiently developed, that the States were led to freely mortgage their sovereign credit for pushing public works.

I have thus endeavored, in the foregoing pages, to suggest the active forces which gave character to the years of local control between 1830 and 1840, and it is believed that, taken in their

relation to each other, they furnish an adequate explanation of the excessive employment by the States of their sovereign credit. The States borrowed money to build public highways. That public highways should be built was one of the imperative demands of the times. That the States should undertake this work rather than the central government or corporations, was the result of this historical accident, — that the call for inland improvements came just when, in the development of political ideas, there had been a reaction against the policy of Federal administrative control, and before the doctrine of *laissez-faire* had in this country produced any results except in matters of foreign commerce. The general confidence in the States which led men to place money freely at their disposal, was in part merely an expression of the general confidence of the times; in part an indirect consequence of the easy payment by the Federal government of its debt; and in part because men saw in the public improvements which the States were undertaking, an additional advantage beyond that of a mere investment of so much capital. All these forces taken together made up the atmosphere of the times, which, to say the least, proved very invigorating to those who breathed it.

We need not arrest our attention at this point for the purpose of any detailed statement respecting the failure of these grand schemes for local improvements. That most of them were the source of immediate disappointment, is known by all who are in any way acquainted with the period. The two hundred and thirty millions of debt resting upon the States, unsecured by any property at all adequate to support such a burden, is evidence of general failure. Had these enterprises been set on foot by private corporations, they would have been placed in the hands of a receiver, or the individual members of the corporation would have availed themselves of stay-laws and bankrupt laws; but since they had been projected by States, and since the sovereign credit of the States had been placed in bond, nothing remained but to throw upon taxes the deficits of the business. This brought the failure of the policy home to the people with great force. In the State of Michigan, for example, the rate of taxation for county and State purposes was but seventy cents per capita,—while the interest on the debt arising out of the public improvement experiment, would have demanded one dollar and thirty-five cents per capita, had it been paid. Or again, the helpless and childish tone with which

some of the States came back to the central government for aid, asking Congress to play again the rôle of the first Empire and relieve the States of their just obligations, indicates the completeness of the failure of this second period of local debt financing.

It is of much more importance than a portrayal of the details of the crisis in the various State treasuries, that we learn what the immediate result was of the failure of these financial schemes, and in what manner the difficulties into which the State treasuries fell, influenced later development. It cannot be otherwise than that such an important chapter in local history should have sown seeds of which we now are reaping the harvest; it is pertinent, therefore, to inquire what the permanent influence of this period of activity has proved to be.

The immediate consequence of these disasters is not far to seek. A reaction took place in public sentiment respecting State control over public improvements, and as is usually the case, it showed a strength proportional to that against which it was aroused. As the people had driven their representatives to enter upon internal improvements without caution, so when taxes began to press they censured them without justice and disowned their policy. This reaction was complete and irresistible, and one may discover now in the structure of industrial society two facts that are traceable to it. Thus in the first place, the withdrawal of the States from the domain of internal improvements marks the rise of corporate power in the United States. As in 1830 the Federal government abandoned the thought of direct control over remunerative public works, giving up this field of activity in favor of the local governments, so during the years from 1842 to 1846, a revulsion of sentiment turned all this business over to individuals. So far from realizing the programme of Jacksonian democracy, according to which the States were to recover their administrative importance, this experiment resulted in the establishment of a new power, which exercised truly sovereign functions, but which was unknown to earlier statesmen. The rise of the corporations marks the third period in the history of inland commerce. The material advancement of the United States during this period, no one can, nor does one care to deny; yet the industrial, the political, and the social influences that have been introduced into national life by the unprecedented growth of corporate power which has accompanied this development, are the occasion for grave apprehension. Under

the guidance of this third policy, cities have been unnecessarily crowded, real estate values have been arbitrarily distributed, a social dependence is being introduced, not surpassed, in its evil tendencies by any previous form of servitude, politics are being run in the interests of profit to those already gorged with profit; while, from the political point of view, it is to the encroachment of these corporations, as much as to the centralizing tendencies of the Federal government that the present impotency of the State governments is due. It thus appears that the financial crisis of the State treasuries was a turning point in the development of national life.

In the second place, this failure of the internal improvement programme threw the country into what may be properly termed a constitutional panic. One at all acquainted with the business management of great enterprises, under the present credit system, knows the intimate relation that exists between the improvement of commercial highways and the contracting of debts, and that a curtailment of the borrowing power is a stricture upon any direct control by the State over canals and railroads. A study of the various constitutions will show that previous to 1830, no State in the Union was prohibited in any way from an employment of its credit; at the present time, however, there are but three States whose constitutions do not limit in some way the power to borrow money. Michigan and Arkansas, which were admitted into the Union at the time that the public improvement fever was at its height, incorporated into their constitutions a clause making it the duty of the legislatures to establish a system of public improvements. In this fact there is disclosed the spirit that ruled the entire country, for the sentiment that spoke in these cases through the general conventions of the people, found expression in other States in current elections. But with the reaction of opinion, these local laws were changed. In 1848, and the years following, the new constitutions, as well as amendments to the old ones, quite generally prohibited the States from having anything to do with remunerative works requiring capital. This finds direct expression in the organic laws of Wisconsin, Minnesota, and Michigan, while many constitutions by curtailing the power to contract a debt, render it impossible for the States to incur those business obligations necessary for the economical prosecution of great works. It became the general cry that public works should

be carried on by private enterprise, and to secure this, the States were prohibited from interference. The direct connection between these two theories of control is the best illustrated in the modification of the constitution of Illinois. Illinois had endeavored both State banking and State improvements, and had failed in both. In her constitution of 1848, she retained the clause that internal improvements should be encouraged, but with this significant qualification, — this was to be done “by passing liberal laws of incorporation for that purpose”

We have now reached a point at which the suggestions of our study begin to crystallize about a very important question of political organization. I have called this paper “The Financial Standing of States,” and the pertinency of the title now appears. The fact is, that the States at present have no standing whatever in the financial world. They are totally ignored in all those departments of activity where control over capital is the test of power. Yet it is well known that real power lies with the possession of money, and it requires no very extended system of reasoning to come to the conclusion that, until the States are relieved from the restrictions upon the employment of their credit now embodied in their fundamental laws, they are entirely out of the race so far as actual administration of affairs is concerned. They are sovereign, but their sovereignty is an empty name, since they have no power to perform sovereign administrative acts. The two statesmen whose public careers have worked together to bring about this result, held totally opposite views of public policy. Alexander Hamilton, by nature an imperialist, believed in concentration of power under the national government, and subordinated all considerations to secure it. Andrew Jackson, whose character was a curious union of nihilist democracy and personal tyranny, changed violently the drift of sentiment, and set in motion those forces which brought disaster to the local authorities which he intended to build up. The success of the Hamiltonian and the failure of the Jacksonian policies worked both in the same direction; through both has the sovereignty of the States suffered. But among active peoples, power of control must reside somewhere, and in consequence, the outcome of it all has been, that as the States receded from public importance, the central governments and the corporations, each in their sphere, have come forward and assumed the abandoned control.

There are many who look upon this result as natural, necessary, and defensible. Perhaps the majority of men in this country, in their blind optimism, believe that the control of public officers should be restrained within the narrowest possible limits in all matters pertaining to domestic affairs. Such persons claim that the result of State management, as it appears in the years from 1837 to 1843, is what must in every case be expected, and is in consequence an unanswerable argument against the interference of the State in business. State control, they say, was abandoned because it proved itself inefficient, and corporate control arose because it was necessary. It is true, they admit, that the theory of local government functions was changed by this step, but this change was necessary and in the right direction.

There are, as it appears to me, two questions involved in a claim of this character. Thus in the first place, one must inquire whether or not the history of State management, as it appeared in the years studied, is conclusive against the efficiency of State control? And secondly,—whether the subsequent administration by corporations has been so exceptional as to compel confidence in them as permanent centres of power?

With regard to the first of these questions, I may, perhaps, be permitted to present my own conclusions without stating at length the grounds upon which they are based. To my mind, the fact that the experiment of internal improvements by States led to embarrassment in the local treasuries, is far from being conclusive against the policy of local ownership and management of inland highways of commerce. Thus every fact which shows that the period in which the experiment was made was peculiar and unfortunate for its success, is a palliating fact, and common fairness requires that the criticisms based upon such considerations should not be pressed beyond the period to which they apply. Failure in any undertaking, traceable to temporary causes, can never become the basis of a general criticism. A careful study of this period will show that the misfortunes of the States arose from a disregard of the most simple rules of public financiering. It was in the management of the loans that especial stupidity was shown,—a stupidity so exceptional that we cannot believe it would again occur should the States again be called upon to use their credit. The financial mismanagement was only equalled by that of individuals in their private affairs, and in both cases is traceable

to that fatal optimism then reigning in regard to the efficiency of paper credits. Consider, for example, the following: Michigan, in the management of her debt, actually borrowed money on time. The full extent of her so-called repudiation was that she refused to pay, out of taxes, those bonds for which she received nothing, but which had been hypothecated by her agents with European bankers. Yet this affair of the bonds was what brought the people of Michigan to believe that their scheme of internal improvements was a failure, and which worked up the sentiment that called for the abandonment of the policy. My point is, that this sentiment was illogical at the time it sprang up, as is, also, the argument in favor of corporate management of highways based upon it, for, had men looked a little farther, they would have seen that, in general, the State administration was good. Its failure, so far as it was the fault of the Legislatures and not inherent in the spirit of the times, was in a matter easily remedied, and subject to strict control.

But there is yet an additional reason why we cannot rely too strongly upon the experience of the States after 1830. This was a period of transition in commercial methods. Previous to 1830, all plans for inland commerce were based upon the idea of canals and wagon roads; but, about that time, thought was turned to the development of the railroad system. The changes actually introduced by railroads have been greater than any dared to imagine. They did not at once spring into perfect form, but gradually encroached upon wagon-roads and water-ways, until these were almost entirely abandoned. The consequence was, that many of the plans which contemplated them not only ceased to be remunerative, but involved their projectors in disaster. So far, then, as the failure of the schemes of internal improvements arose from the fact that canals became useless because railroads proved in every way better, it is certainly illogical to claim that failure proves incompetency on the part of the State, for disappointment must have come in any case to those interested in water-ways. This fact, as it appears to me, has not been taken adequately into consideration. Indeed, it is believed that the more carefully one studies this experiment of State management of public highways, the less strenuous will he be in his claim that it furnished an argument against business management by the local governments.

But, in the second place, it is necessary to inquire if the admin-

istration of the corporations, since they have assumed control over inland transportation, has been so conservative and just that the people may rest fairly satisfied with things as they are? The transportation business is one necessarily bound up with centralization of power; can that power be safely left with the corporations? Were this question longer an open question, the loss of strength to the States that results from their financial inability would not be the occasion of such grave apprehension. But the fact is, it is not necessary longer to argue this question before the people of the United States. Even conservative thinkers are anxiously inquiring what shall be done with the corporations. From papers not regarded as revolutionary, from the trend of court decisions, from the writings of publicists on questions touching political philosophy, as also from the expressions of the self-styled anti-monopolist, it is possible to learn that there exists great fear of the excessive development of corporate powers. For my own part, I believe this fear to be well grounded. The actual workings of corporate control have been such that even though one accepts the doctrine of non-interference as the maxim to be in general followed, he must admit of an exception in the case of railroad management. The major premise of action is established in public sentiment: the business of inland commerce must, in some way, be brought under governmental control. The question open for discussion deals only with the proper method. Now it is in connection with this state of affairs that the subject here discussed assumes importance. Suppose that control by commissions prove inadequate to the demands made upon them, and a step yet in advance appears to the people necessary; what division of our complex government must take upon itself this function of direct management over inland transportation, a function that gives the governing body greater power over the governed than any other that can be mentioned? The States are in no position to do this; as things are now, it must be the national government. This once accomplished and there is an end to the reality of popular government in this country. Say what men will, — there is an eternal difference between a Democratic Republic and a Republican Empire. Popular government means local government. Real power lies at the centre of administrative control, and nothing can take us so far from the idea of the fathers as to establish for domestic affairs the same concentration of management as they

established in foreign affairs. They wisely recognized the difference, and it is the part of wisdom for us to maintain it. Yet consider in what a position it leaves us. To recognize the evils of too great a concentration of administrative power, is a guarantee to the corporations that they will not be interfered with except through restraining laws that do not restrain, for the States, the natural recipients of such powers are precluded by the fact that they have lost their financial standing. This condition of affairs is, at least, suggestive.

It is not, however, the railroad question that I desire to bring into view, but rather to show what a misfortune has come to this country through the decadence of the financial standing of the States. It is an historic rule of universal application that, as countries become more populous and the social and industrial relations more complex, the functions of government must necessarily extend to continually new objects. This rule holds good now in this country, and in consequence the question of the residence of the new powers becomes of importance. As a single example. The frequent recurrence of floods, the more rapid and marked alternation of drought and wet, the progress of farming toward the exhaustion of lands, and other signs, tell plainly that it will be soon necessary for this country to attend to the planting and caring for forests. This is something that corporations will not do, for the time of return is too remote from the first investments. It is a legitimate sphere for the employment of sovereign credit. Shall this be undertaken by the central government or the local government? To my mind there is but one answer. The States are the proper centres of this power, yet they have been driven from the possibility of such works by an over-solicitous people, frightened by one unfortunate venture.

If the States would regain their lost sovereignty and again become important factors in the life of the Nation, there is but one path by which they may reach that goal. They must in some way recover their lost credit and regain their standing in the financial world. Without the control of money, all claim to sovereignty must ever remain an empty name.

III. WHAT MAKES THE RATE OF WAGES ?

BY EDWARD ATKINSON.

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The phenomenal circulation, in England, of Henry George's book, entitled "Progress and Poverty," and the statement that it has already been translated into every civilized language, although it made little impression in the United States, draws attention to the fact that all other questions have become relatively insignificant compared to the problems which relate to the distribution of wealth. The premises which Henry George assumes are without substantial foundation in fact, and his conclusions are, therefore, without warrant. The *production* of what constitutes wealth or welfare is no longer at issue. Modern science and modern instrumentalities of production are adequate to produce what would suffice for a good subsistence for every man, woman and child in any and all countries. The whole question at issue is the *distribution* of this substance after it has been produced. Production and distribution are but two phases of the same work.

Land, capital, and labor are the three factors in production, but even when these three factors are worked in the most hearty coöperation, the world is always within a year or less of starvation. The main question, therefore, is: How is the annual product distributed? because it is upon the distribution of the annual product that subsistence depends, rather than upon the ownership of land or of the products of labor which have been saved in a concrete form, and which have become capital. The capital or labor saved in a concrete form never exceeds in value the sum of two or three years' production, even in the richest State or Nation, and is more apt to be less than the product of a single year.

In the work of production and of distribution, by far the largest portion of the people of the so-called civilized world work for wages in one form or another,—that is to say, they are at any given time in the position of the employed rather than that of

* This treatise, with addenda, together with two essays by the same author, one on "What is a Bank," the other on the "Railway, the Farmer, and the Public," are about to be published by G. P. Putnam's Sons, under the title of "The Distribution of Products, or the Mechanism and the Metaphysics of Exchange."

employers. They change from one class to the other, according to their relative abilities or opportunities. It follows of necessity that the paramount question—the one which is of prime importance to the vast majority of the people of civilized lands, is, *What makes the rate of wages?* because it is by means of the money which they receive from their employers as wages, that their share of each year's annual product is obtained and is measured. This being admitted, the practical question at once arises, are those who labor for wages receiving in each year a less and less proportion of the annual product, while capitalists are securing for themselves a larger share, or the reverse? Are the rich growing richer, while the poor become poorer? or, are nations themselves becoming poorer as a whole, rich and poor alike securing a decreasing share of a decreasing and, perhaps, insufficient product?

In treating this question, two definitions become necessary. What is *production*? It is not simply the primary process of bringing forth grain, timber, and metals in their crude form, from the field, the forest, or the mine; it is not simply carrying these products through the mill, the furnace, or the forge, into their secondary form, called manufactures; but the word must include all that is indicated by its etymology—*pro duco*—pro-duce-ing—leading forth and directing the forces of nature to the final use of, or consumption by, man. This covers *distribution*, as well as what is commonly called production. The word wages may, therefore, be defined so as to include all earnings of persons in the employment of others. The larger part of the work, in many directions, being done by the piece, the wage is an uncertain quantity, varying with the skill and capacity of the laborer. In this treatise, the word *wages* will stand for the sum of money which is earned by factory operatives, farm laborers, machinists, mechanics, railroad employés, laborers, clerks, salesmen; in fact, by each and every class of those who are employed by others in what is commonly called production or distribution; those who agree in advance to work for a fixed payment, either by the piece or by the day, month, or year.

The true wage which the workman seeks is the food, fuel, shelter, and other means of subsistence with which the sum of his wages will supply him. If we look to the derivation of the word itself, his wage is the measure of the expectation of subsistence, against which his labor is staked, wagered, or hazarded. It is not

customary to include the salaries of the clerical or administrative force, nor the payments which are made for purely mental work under this term, although they are of the same nature. For the purpose in hand, we will limit the application of the word *wages* to the sum of money earned by persons who engage in the actual work of producing or distributing material substances; who either work with their hands or direct machinery to these ends; who are in the employment of other persons upon terms stipulated in advance and who are subject to be discharged with or without notice, as the case may be, at the will of the employer. In this category will be found by far the largest portion of the people of this country who are old enough to become wholly or in part self-supporting.

This great class consists in very large measure of persons who depend almost wholly upon their daily work for their daily bread,—whose accumulations are small,—slowly and painfully made or saved, and sufficient only to relieve them from the necessity of work for the last few years of old age, if perchance adequate for that without the aid of their children. The welfare of the vast majority of the people of this country, and of every other country, therefore, mainly depends upon the adequacy of the rate of their wages, and upon the purchasing power of the money in which their wages are paid. It follows that there can be no more important social question than the wage question,—none in which error will be more fatal.

If, under the existing conditions of employer and employed,—of capitalist and laborer,—of wage-payer and wage-receiver,—in other words, if by way of competition the rich only grow richer because the poor grow poorer;—if greater progress under present laws and customs is only consistent with greater poverty;—if the profits of capital can only be increased by diminishing the wages of labor;—if “wealth accumulates” only when “men decay,”—then Socialism may be justified, even Nihilism may be right; the capitalist may be the enemy of the laborer. If such is the truth, Henry George only goes half way in his remedy, when he merely proposes to nationalize or confiscate land. The remedy for these great apparent wrongs may, in such event, be found only in dynamite and the dagger. If even the change in institutions or in the title to land which can be secured by legislation is insufficient, then dynamite and the dagger may be the only adequate remedy, as

Wendell Phillips hinted ; but even he dared not say so in his Phi Beta Kappa oration. The very existence of modern society is the major issue which is bound up in the simple and apparently minor question, "*What makes the rate of wages?*" Compared with this all problems relating to the collection of revenue, the function of banks, the hours of labor, etc., sink into relative insignificance. If the fundamental question is, What makes the rate of wages?—these minor questions are merely the froth and turmoil upon the surface, which manifest to the eye and ear the great undercurrent that may rend modern society in twain.

What are the facts? Upon the Continent of Europe, ancient forms of society, customs, laws, and institutions of many kinds, from which we in this country are substantially free, are being actually rent and destroyed, and the whole socialistic tendency of legislation at this time, in Great Britain, France, Germany, and elsewhere, is but an attempt to solve the apparently simple question, What makes the rate of wages, or of the earnings of those who depend upon their daily work to meet their daily wants? By socialistic tendency is meant such acts of legislation as the Land Acts relating to Ireland lately passed by the Parliament of Great Britain ; the acts for compulsory life or annuity insurance which have been proposed by Bismarck ; the attempts which have been made in France to own and control the whole railway system, and to maintain national workshops ; and many other measures of like kind which have been either proposed or attempted in different parts of Europe. The issue is made more difficult by the existence of conditions in Europe to which we have nothing analogous. The question there is not only, What makes the rate of the wages of the factory operative, the mechanic, or the artisan? but, What makes the rate of earnings of the Irish cottier, or the rack-rented farmer, or of the English tenant farmer working leased land ; or of the French or German peasant confined to allotments which have been mainly established by the compulsory division of land on the Continent, and which have become so small by frequent subdivision that modern agricultural machinery cannot be applied to them in any great measure ; on which the crops are therefore made by the exertion of the maximum amount of manual labor with the minimum of product per man? An example may be here cited of the vast difference, in different places, in the productive efficiency of one man, working one year. I cannot give the exact

measure per man in bushels of grain or barrels of flour, of foreign agriculture, but the German or French peasant makes but a very small crop, who, with arduous toil with the spade and hoe, plants a little strip of grain, harvesting it with the sickle, and thrashing it with the flail. Every one can conceive how small a quantity of grain must be the product under these conditions, yet these are the conditions under which a considerable, if not the larger portion, of the grain crops of Europe are made.

On the other hand, let us consider an extreme example of the application of capital to great areas of land in this country. By division of labor and by the application of machinery upon the great farms of Dakota, such enormous abundance is secured that when we convert bushels of grain to the equivalent of one man's work, working 300 days in one year, we find that in an average year, on land producing twenty bushels of wheat to the acre, 5,500 to 5,600 bushels of wheat are made for each man's work. Retaining enough for seed, this quantity suffices to make 1,000 barrels of flour. It can be carried through the flour mill and put into barrels, including the labor of making the barrel, at the equivalent of one other man's labor for one year; and at the ratio of the work done to each man employed upon the New York Central Railroad, the 4,500 bushels of wheat can be moved from far Dakota to a flour mill in Minnesota, and thence the 1,000 barrels of flour can be moved to the city of New York, and all the machinery of the farm, the mill, and the railroad can also be kept in repair at the equivalent of the labor of two more men; so that the modern miracle is, that 1,000 barrels of flour, the annual ration of 1,000 people, can be placed in the city of New York, from a point 1,700 to 2,000 miles distant, with the exertion of the human labor equivalent to that of only four men, working one year in producing, milling, and moving the wheat. It can there be baked and distributed by the work of three more persons; so that seven persons serve one thousand with bread.

Before we proceed further in the consideration of this and other related facts, let me say that there appears to be an almost unacknowledged belief, even among well-read students, that the so-called principle which Malthus first propounded is true; or at least that it contains such an element of malignant truth, if one may use such an expression, that it is unpleasant to face it, lest one's faith in the Power that makes for righteousness should be disturbed. If

the dogma of Malthus is true, that population tends to increase faster than the means of subsistence, there is no escape from the conclusion that all our efforts at progress, so called, are worse than useless. For instance, when we attempt to save the life of children by the improved sewerage of our cities; when we provide pure water and better dwellings for the poor, when we teach sanitary science to enable each and every member of the community to attain better present conditions of comfort and welfare and a longer life; we are merely building up our present prosperity in order that the adversity of a future day may affect a greater number of people. If population increases faster than the means of subsistence, the rate of wages must always tend to become a less and less proportion of a decreasing product, and their purchasing power must at last become so low as not to ensure even the necessary subsistence; because there would not be substance enough to sustain life to be purchased by any wages which could be paid. In such a view of life all our humanitarian efforts are criminal if successful, because they cause a more rapid increase of population, and only hasten the evil day when, in spite of every effort or of any measure of intelligence, our mother Earth will fail to provide for the wants of her children. They must then slay each other or die in myriads by famine and pestilence, in order that only the fittest may survive. Even then, when those only have survived for whom there is enough for the moment, the evil cycle would begin once more and so go on forever. It is upon the seeming truth which is contained in this abhorrent and atheistic dogma that many false theories have been presented, many bad acts of legislation have been justified, and that it has become a widespread conviction that there is a war, or constant struggle and antagonism between capital and labor,—between rich and poor. It seems to be the conviction of great masses of people that with ever increasing wealth there is and must be ever increasing poverty, and this formula is working in special places in the most active and pernicious manner at the present time. Again we may ask, what are the signs of the times? Russia struggling with Nihilism; Vienna under martial law, for fear of Socialism; Germany and Austria dreading what may come when Bismarck dies; the commune of Paris kept down only by fear and bayonets; even England, gravely disturbed by a single book which attacks her land system, is coping with Irish destitution by acts of Parliament which are but socialism disguised, and

which would be overruled, if enacted by the Congress of the United States, the moment they were presented to the Supreme Court. These dangers to the body politic are signs that the struggle for life has indeed become urgent among great masses of people in special and limited places. They indicate that even in the present day the horrors of the Reign of Terror might be repeated; that want is lawless; that hunger and destitution will incite to violence in any land; and they also prove that the more the attempt is made to suppress these dangers by force of arms, the greater the danger will become. It would be as dangerous to disband the armies of Europe as it is impossible to sustain them, because the habit of government by force cannot be overcome except after many years. Yet, as I have said, in the world there is always enough. Production is ample to give good subsistence to every man, woman and child, especially in the civilized world, and the mechanism of distribution is also fairly adequate. The whole question is one of the method of distribution of each year's product, and inasmuch as this distribution is mainly effected by way of the payment of wages, the paramount question is again presented:

WHAT MAKES THE RATE OF WAGES?

If we glance again at the condition of the nations which have been named, we cannot help observing, for instance, that Germany is poor in fact; the soil of large portions of her territory will barely sustain the people who dwell thereon, and although there has as yet been no absolute famine, the people of many parts of Germany are always on the very edge of want. We must therefore explain to ourselves the conditions of danger to which the best instructed people of Europe have been brought, by the consideration of other matters. The people of Germany must be subsisted either upon what her own soil will produce, or upon the food for which her own manufactures will exchange. Her own annual product, at its exchangeable value in money, must be the source of her own profits, wages, and taxes. When we utter the last word, may we not touch one secret of her poverty? There are money taxes and also blood taxes. One man in every twenty in Germany is a soldier in camp or barracks, and one other man in every other twenty must be employed in sustaining the idle soldier, while every man wastes a considerable part of his life in preparation for this destructive art and is liable to be called away

from productive work at a moment's notice. Under such conditions, before either profits or wages can be paid to those who do the work, at least ten per cent. must be assigned to the wasteful and destructive, although generally passive war, which is the condition in which all the nations of Europe now exist.

How is this army maintained? There is room enough elsewhere, and to spare, for Germany to relieve herself of the population which cannot live upon her soil, except on the edge of starvation; there is room enough even in our own land, and here they would be welcome. But every German boy who reaches the age of eighteen is enrolled for service in the army at a future day, and if he dares leave the country after he is enrolled, he expatriates himself, renders any property which may be devised to him liable to confiscation, and can never return, even though he may have become an American citizen, except at the risk of being treated as a deserter, and forced to render his three year's service in camp or barracks. Under such conditions as these it follows that neither the poverty of Germany, France, Austria, Italy, nor any other country, can be attributed to any real antagonism between labor and capital, but must be attributed in part to the poverty of the soil, in part to artificial systems in the division of the land which are enforced by statute, and in part to privileges and to the burdens of standing armies of which we have no counterpart. These dangers to the body politic are but signs that the struggle for life has indeed become urgent among masses of people who number too many for the limited area in which they are, but where they are kept by force, the natural law of distribution by which they might spread themselves over the earth being obstructed. Much of this is done under the pretext that the right to property can only be permanently sustained by force, while the rights of man are denied.

We may also observe that almost all modern dangers of war are dangers connected with the distribution of wealth, or from national jealousy in respect to commerce, which is but another name for the distribution of the annual product of the world. This jealousy is mainly caused by the continued prevalence of the false idea that in international commerce what one nation gains another loses. Hence we find nations endeavoring to establish and maintain colonies, in order to control their commerce, at a cost to themselves of more than the whole commerce is worth.

No one fights today for a religious dogma, unless it be an Arab or a Sepoy. None are armed merely to maintain a dynasty. It is the Chancellor rather than the Emperor on whose fate the Empire of Germany may depend. The question as to who shall control the Suez Canal endangers the peace of Europe, yet this canal is but a spout through which Europe exchanges clothing for food; it is a mere instrumentality of distribution. All modern questions of any importance relate to the means of subsistence; the distribution of the means of subsistence is finally brought about by the payment of wages. The first question which England has met in endeavoring to promote good government in Egypt, is the debt incurred by a despotic power but imposed on the people who were oppressed. Whether the repudiation of such debts is not the first condition precedent to the common welfare of those upon whom the debt has been imposed without their consent, is one of the many questions about to be forced to an issue in other countries than Egypt. If one half the product of Egypt is absorbed by the debt, will the other half suffice even for subsistence? Can the sum of wages be more than what is left of her own produce? Must not the annual product of each country be the source of its own wages?

As I have said, when we attempt to solve this question, we find that there need be no fear of want because there is not enough for all. Enough there is, and to spare. The only question is, Where is it? Distribution is limited or restricted in part only by want of proper mechanism, *i. e.*, by the lack of railways, the lack of ships, and the like; in part by legal obstruction, in part by national jealousies, but yet more by obstacles to free exchange, even where the mechanism suffices. I do not limit the term *free exchange* to the narrow question which is at issue between the advocates of free trade and protection; that is a minor question. I mean the obstacles to free exchange which are mainly caused by that ignorance and incapacity which stand in the way of mutual service, even among the people of the same country. The farmer of our own land may have his barns running over with the abundance of his product, and may desire a hundred things for which he would be willing to exchange; but if, on the other hand, those who desire to share his abundance are ignorant, incapable, or vicious, who cannot or will not work upon the things the farmer wants, there can be no mutual service; they may starve while his

crop decays. It is mainly the imperfect or restricted distribution of what there is ready for use, which is caused by the ignorance or incapacity of those who need it, that creates want in the midst of plenty, not only in Europe, but in the heart of the great cities of our own land. We waste enough in this country to support all our poor in luxury; yet were we to give this excess to them in mere charity, what we waste, thus consumed, would forever convert the poor into paupers. Charity or alms-giving cannot remove pauperism; it may only increase it. The *common* laborer, so called, is the one who suffers most in times of depression; and he usually is and remains a *common* laborer merely because neither his hand nor his head have been trained together so as to enable him to do work requiring skill, which kind of work is everywhere and at all times waiting to be done, and by doing which he might become entitled to a share of existing abundance. We are attempting, in this country, to cope with these problems by legislative methods. In Europe the attempt is made both by legislative methods and by force combined. Neither method can permanently succeed. Neither wealth, welfare, nor common subsistence can be permanently imposed from above, or instituted from without. Neither masses of men nor individual men can be permanently helped who cannot or will not help themselves. The final remedy for these wrongs can only come by the development of individual manhood from within. Individual intelligence and integrity, sustained by public justice, constitute the sole condition under which permanent prosperity can become the rule among men. Then life and liberty will be the only common factors, making for the welfare of each and all. It may be a far-off day, which none of us living may live to see, when this shall be accomplished; but the potential agency in promoting this end is *the advancement of science*.

With the chemical or physiological question which underlies the abhorrent dogma of Malthus, I may not attempt to deal. Subsistence is but a conversion of forces—a chemical process; whether or not the proportion of force or energy which constitutes material life, and which takes the form of the body in which man lives awhile on this earth, may find a limit without recourse to war, pestilence, or famine to check its undue development, is not yet a practical question. When it arises, it may be time enough to meet it, in some far away period.

The absurdity of the attempt, as yet, to measure the power of

subsistence and to declare it to be limited can be demonstrated in two or three simple ways suitable to the use of a statistician like myself: First, no man yet knows the productive capacity of a single acre of land anywhere in respect to food. Second, the whole existing population of the globe, estimated at 1,400,000,000 persons, could find comfortable standing-room within the limits of a field ten miles square. In a field twenty miles square they could all be seated, and by the use of telephones in sufficient number they could all be addressed by a single speaker. Third, the average crop of wheat in the United States and Canada would give one person in every twenty of the population of the globe a barrel of flour in each year, with enough to spare for seed; the land capable of producing wheat is not occupied to anything like one-twentieth of its extent. We can raise grain enough on a small part of the territory of the United States to feed the world. The great American desert has gradually disappeared. The "bad lands" of Montana prove to be the best grazing ground of the Northwest, and in the heart of the Eastern States the mountain section of the South waits for a population equal to that of Great Britain, who can there find potentialities in agriculture or in mining equal to those of any similar area on this or any other continent. As yet, therefore, the doctrine of Malthus has found only a limited application, where some local or temporary congestion of human force has gathered. As I have said, in the world there is somewhere and always enough. The only question is, Where is it? When found, the next question arises, How to get it.

The first method which obtained in the world, was to grab it—the age of force. The second method was to give it—the era of conqueror and conquered, of master and slave, of lord and vassal, of giver and taker, not of employer and wage-earner. The third method is to exchange for it. Under this third method commerce has arisen, men have become sorted as capitalists and laborers, as employers and employed, as wage-payers and wage-receivers; service for service is the common rule of life; the exchange of product for product is the practice of commerce. All States have, or may become interdependent and then "the ships that pass between this land and that will be like the shuttle of the loom, weaving the web of concord among the nations," And again we meet the apparently simple question, What makes the rate of

wages by which the greater part of these services are measured and under which the greater part of the distribution is effected?

I have had but little time for the reading of books or the consideration of theories of wages; but I believe we must pass from the English orthodox system of political economy to France, in order to find the first true statement of the relations of the wage-receiver and the wage-payer, of employer and employed, of laborer and capitalist, or of labor and capital. Many years ago a single phrase in Bastiat's "Harmonies of Political Economy" became engraved upon my mind, and by its application I have been enabled to observe the phenomena of wages in the course of my business life with much clearer insight. It is this: "*In proportion to the increase of capital, the absolute share of the total product falling to the capitalist is augmented, but his relative share is diminished; while on the contrary, the share of the laborer is increased both absolutely and relatively.*"

Among English writers, Thornton exposed the fallacy of the old wage-fund theory, the theory that all wages are paid out of a fund of capital previously accumulated and will be high or low as the ratio of that fund may be great or small, in proportion to the number of persons employed. Professor Cairnes propounded the true theory of wages in one of his latest books, in terms so nearly identical with some of those which the writer has used in this treatise, that the writer would have suspected himself of unconscious plagiarism had he not found his own records antedating the unpublished works of Professor Cairnes on this subject. In this country, Professor Francis A. Walker has presented the true theory of wages in the most effective manner, and has probably done more than any other writer to clear the subject of obscurity. It has been a matter of great satisfaction to me, that my practical observations are so fully consistent with the theories of these authors. Giving due credit to all these writers, my own conclusions have been based almost wholly upon facts and deductions from business experience rather than from books, although my attention was first attracted and a direction was given to my observations by the paragraph which I have quoted from Bastiat.

The two forces that are engaged in the production of the substances which constitute food, fuel, means of shelter, or the materials which may be converted into additional capital, are of course, labor and capital. Land itself is but an instrument, being useless

and valueless unless labor and capital are employed upon it. By the coöperation of these two forces, an annual product is made. The true function of capital is that of force put to use in order to increase production, rather than a substance to be immediately divided and consumed.

Fixed capital, so called, although the name is hardly a suitable one, may be likened to the foundation, boiler and engine, and quick capital to the fuel with which the boiler is supplied: the one is very slowly, the other very quickly consumed, yet neither works directly to the subsistence of men, but indirectly both work to the vast increase of the actual substances with which men are fed, clothed and sheltered; these substances constitute the annual product which is divided among them. The term *annual* fits the case, because the year represents the course of the four seasons and the succession of crops. A small part of each year's annual product, commonly called "quick" or "active capital," must be carried over to start the next year's work upon, as a small part of last year's product had been brought over to start this year's work upon; one proportion balancing the other. The fixed capital seldom exceeds in value two year's production. It therefore follows that all profits, all wages, all taxes, in fact all consumption whereby existence is maintained, must be substantially drawn from each year's product; it is therefore in the division of these substances produced within the year, that true profits and real wages are to be found. But, in order that this product may be distributed and consumed, since no man lives, economically speaking, for himself alone, the various products of the year must all be exchanged, by purchase and sale, and therefore must all be measured in and reduced to terms of money,—except that part of the annual product which is consumed upon the farm by the farmer and his family without being sold. With this exception, it therefore follows, that substantially the whole product of each year must be converted into terms of money. I think it escapes common observation, that in all departments of industry, except agriculture, few men now produce anything which they use themselves; and even in farmers' families, domestic consumption is now limited to a small part of the farm product; all else is procured by exchange; all men are interdependent. The sum of money represented by this conversion is and must be vastly greater than the sum of real or actual money which is used as the instrument of ex-

change, hence the necessity for true money. The greenback fallacy can only deceive those who fail to comprehend the function of money. Inconvertible paper money is a fraud, and the burthen of proof rests upon its advocates to justify the honesty of their intentions by the weakness of their intellects. In this process of conversion into terms of money by way of purchase and sale, a part of the value of the annual product is sorted on the one side as profit, rent, interest, or by whatever name the share of the owner of capital may be designated; and, on the other side, another and vastly greater part constitutes the share of those who do the work, and is named wages. In the subdivision of this latter share into individual parts, the rate of each person's wage is established in terms of money.

It would not be consistent with the general purpose of this treatise to attempt at this point to give precise details in respect to the value of the annual product of a normal year in money. The general conclusion at which I have arrived is, that in the year 1880, the census year, when the population of the United States numbered a little over 50,000,000, the annual product had a value of nearly or quite \$10,000,000,000 at the points of final consumption, including, at market prices, that portion which was consumed upon the farm, but which was never sold. Omitting that consumed upon the farm, it was about \$9,000,000,000. What portion of this product constitutes the average share of the capitalist at the present time cannot be substantially proved. In a normal year, under normal conditions, I am of the profound conviction that not exceeding ten per cent. can be set aside as either rent, interest, profit, or savings; and that nine-tenths constitutes the share of the laborer, which, by subdivision, becomes expressed in terms of personal wages.

During recent years, the increased efficiency of the railway service, and the consequent elimination of two-thirds of the cost of distributing commodities in bulk, has undoubtedly augmented for a time the amount falling to the capitalist, but without in any measure reducing the amount previously falling to the laborer; on the contrary, greatly promoting the laborer's interest as well as that of the capitalist.

The great fortunes of the railway magnates (aside from one or two conspicuous and notorious thieves who have stolen franchises and defrauded their stockholders) have consisted of but a small

portion of what they have saved to the community. The main work of railway capitalists has been to reduce the cost of distribution; their true function ought not to be prejudiced by the fact that a judge of one of the courts of a neighboring State was impeached and disqualified from holding any office of trust or honor for "corrupt practices" with a notorious railway official. The corrupt judge is dead—the corruptor of the judge still lives a base and dishonored life, probably continuing to exist physically because he is mentally and morally incapable of conceiving the turpitude of his existence or of feeling the loathing and contempt of the community. But even the railways which he has constructed will continue to serve some useful purpose after the corruption which he has engendered has been buried with him in a nameless grave.

In treating this question of the rate of wages, it must be kept in mind constantly that money is but the instrument of exchange, that real wages are what the money will buy, and there cannot be more real wages than the whole product, less the share of capital. If, then, we can even approximate the value of the product and divide by the known number of persons employed, we then approximate the annual measure or average rate of wages in terms of money.

At the risk of repetition, this point must be further considered.

VALUE AND DISTRIBUTION OF OUR NATIONAL PRODUCT.

The population of the United States, in the census year, consisted of a little over fifty million persons, or about ten million families of five each. Substantially one in every three was engaged in some kind of gainful occupation. Agriculture was and is the leading occupation. Upon small farms, a large portion of the produce is consumed by the farmer, his family, and his laborers. Upon large farms, the greater part of the produce is sold. In the families of country mechanics, much productive work is done which in cities is procured by purchase. We can only approximate in a general way the value of the domestic consumption. If one-tenth of the consumption of the country is of the nature of purely domestic production and consumption, which is never converted into terms of money by purchase and sale, the total sum which would represent such domestic consumption would be \$20 to each person, \$100 to each family, or \$1,000,000,000 total value. Of this the census enumerator would find no trace in the figures of

commerce. This is a large estimate, undoubtedly, of the domestic consumption of articles which might be or might have been procured by purchase, but which were in fact produced and consumed without purchase or sale. The remainder of the annual product, at whatever sum of money it may be finally valued when sold for the last time and distributed for final consumption, constitutes the value of the product converted into terms of money, from which sum all money profits, all money wages, and all money taxes must be derived. There can be no other source. Each bargain for a sale or a purchase is and must be made in terms of money. The manufacturer, the merchant, and the shopkeeper take their toll of profit in money, not in kind. The assessor levies a tax payable in money. When this tax is levied upon a producer or a distributor, it is charged to the cost of the business, and is thus distributed among those who buy the goods for consumption. The laborer receives his wages in money, seldom in kind, except the farm laborer; he then converts his money into his share of the annual product by the consumption of which he sustains life. The total sum of money which represents the value of all that is produced, at its point of final consumption, is and must be the final measure of that part of the annual product which is bought and sold. Therefore, all profits, wages, and taxes constitute a portion of this lump sum; in order to ascertain what the rate of profit, the rate of taxation, or the rate of wages may be, we must ascertain what this lump sum is, and how it is divided. On the other hand, by ascertaining what the total sum of taxes, the sum of all wages, and the sum of all profits may be, we can again approximate the total value of the annual product. No absolute results can be reached by either method, but approximate results can be fairly set off, one against the other. This is what the writer has endeavored to do.

The principle which I have attempted to sustain in this treatise may be considered without any regard to its application to the existing figures of the present date. I have given these figures, however, in the way of illustration.

The principle might be stated in algebraic symbols. For instance, given the question, "What is the value of the annual product of the year 1884?" it would consist of the following elements: First, the wear or consumption of fixed capital previously accumulated; the proportion of the quick capital or product of the year 1883, brought over to and consumed in the year 1884,

in order to begin work. Let these two elements be called a . To them would be added the actual product of the year. Let this be called b . From this product a certain proportion would be carried over to begin the work of the year 1885. Let this be called c . The formula could then be stated in the following terms: $a + b - c = x$, the annual product which is subject to subdivision and to consumption.

Let profits be called d , sum of all wages e , persons engaged in gainful occupation for a given rate of wages f , and the average rate of wages i . The complete formula would then be as follows:

$$\begin{aligned} a + b - c &= x \\ x - d &= e \div f = i \end{aligned}$$

If i be the average of all there is, one wage earner will earn less, another more, according to relative capacity and opportunity, and by competition each with the other; but these earnings, differing each with the other, will be absolutely within the limit of i , while i itself will annually stand for an increasing share of an increasing product, if my premises are sustained.

In a computation of what makes the total accumulated wealth of the United States, which was made by the Census Department, one half the value of the product of mines, oil wells, and the like, was taken as being on hand at a given time, constituting a part of the accumulated wealth, together with three-fourths of the annual product of agriculture and manufacturing. Working from these data, it appears that the census estimate of the value of the annual product of the United States for the census year was from \$8,200,000,000, to \$8,500,000,000, not including domestic consumption. There appears to be no actual computation of the value of the annual product in the census, but the figures used in the computation of wealth yield these approximate results. The writer had reached his own conclusions by very different methods from those used by the Census Department, and had satisfied himself that if there be added to that part of the annual product which is sold, and which is, therefore, reduced to terms of price in money in the markets of the world, the domestic consumption upon farms and in families, the total value of the annual product would not exceed \$10,000,000,000 in the census year, at the retail prices for final consumption. If the census estimate be divided by the population of substantially 50,000,000 people, we reach \$160 to \$170

per year as the sum representing the average annual product for each person, or a fraction less than forty-four to forty-seven cents per day for 365 days. That is to say, when the products or services of each person were brought into competition in the markets of the world, the money value of the entire commercial product in the census year was measured by the average sum of forty-four to forty-seven cents' worth to each person. My own computation gives a little under \$200 to each person, including the domestic consumption of farmers, or a little under fifty-five cents' worth per day. That is to say, the average product of each person may be estimated by any one who will go into the market, hire shelter, procure food and clothing, and save something out of what fifty-five cents a day will pay for each member of a family. If no more is produced, no more can be had. What there is may be bought and sold ten times over; it only wastes a little each time; it does not increase. Paper may be substituted for true money, and the rate of paper wages may be apparently doubled, but then it will take \$1.10 in paper to buy what fifty-five cents gold now buys. There cannot be any more shelter, food, fuel and clothing sold than there is produced, and the value in money of all that there is produced is the final measure of all profits and wages. The subdivision of all there is produced, therefore, *makes the rates of both profits and wages.*

If, again, we call \$1,000,000,000 the domestic consumption, and value the saleable portion at \$9,000,000,000, and then divide by the whole number of persons who are engaged in all gainful occupations of every name and nature, to wit, 17,392,099, we reach an average of \$523 as the annual measure of the productive services of each person thus engaged in useful work, each one at work sustaining two others. This computation may be proved to be substantially correct by a comparison with the actual wages or earnings of all classes, which were treated separately in the census, giving due consideration and applying judgment to the relative value of the work done.

It may, therefore, be assumed that the average value of the gross product of each person who was engaged in any lucrative or productive employment in the United States in 1880, can be fairly established in the census year at a sum closely approximating \$523. If such is the measure in money of all that was produced, then all wages, profits, taxes, and all savings or additions to capital must

have been derived from such a sum. There can be no other source for either, unless the country incurred a foreign debt, which it did not in any great measure. It paid more debt in the census year than it incurred.

If such is the gross sum, let us see what the net sum free from taxes may have been. In the same census, the gross sum of all National, State, county, and municipal taxation, was computed in round figures at over \$700,000,000, or nearly eight per cent. of the value of the total commercial product. If we apply this rate to the average share of the product which fell to each person who was occupied in gainful occupation, we reach the following result: Gross product, \$523; deduct 8 per cent. for taxation, \$41.84; net share of the annual product, free of taxes, valued at \$481. Now it will be apparent if only one in 2.93 persons is employed in gainful or productive occupations, then 2.93 persons must be subsisted upon what \$481 per year, or \$1.32 per day will purchase, or 45 cents worth to each person; if it be considered also that from this sum must be set aside profits or additions to capital which take precedence of wages or earnings, then it will at once appear that by far the larger part of each year's product must be consumed; that is to say it must enter into the cost of production. In point of fact each year's work barely suffices for each year's wants, and but little can be saved or added to capital because it is evident at a moment's consideration that not much can be saved out of what 45 cents will buy for each person each day. There is no absolute method of determining the exact proportion of the annual product which can be set aside as profit or addition to capital, nor of ascertaining that part which constitutes the actual wages or earnings. All that can be said is this: If 10 per cent. of the gross product can be set aside in a normal year, for the maintenance or increase of capital, that is to say, \$48.18, out of each person's net share of the whole, then the average rate of wages or earnings of all the people of this country engaged in gainful occupation, is at the rate of \$433.62 per annum, \$1.19 per day or \$1.44 per working day. This result, again, fairly approximates to the disclosure of the census, if it be compared with the specific ascertained earnings of persons engaged in special branches of industry. If anything, it is a large estimate rather than a small one.

If the foregoing premises be admitted, it follows of necessity

that so far as those who work for wages are concerned, the relative or proportionate rate which each one or each class may receive cannot be in any very large measure affected by the sum which is set aside as profit or increase of capital, but must be mainly affected by the competition of laborer with laborer and will be finally determined by the relative efficiency of each person within the limit of the average proportion which his class receives out of the annual product. That is to say, the relative condition of each class of laborers must be determined by the variation from a standard or average which is determined by the quantity and price of the aggregate product of that class, *i. e.*, in that special branch of industry. The general rate of wages can therefore only be raised by an increase of product coupled with a wider market commensurate with such increase, so that the price may be maintained. Absolute wages may be increased although the rate in money may not, by an increase in product, accompanied by a decrease in the price, so the same or a less rate of wages may buy more commodities. The gross product may be increased by two methods only; first, by the intelligent use of the increase of capital; and second, by the more intelligent coöperation of labor with capital. Contention or antagonism can only result in diminished rates both of profits and of wages. Prices and rates of wages can only be maintained by enlarging the market as labor becomes more effective and a greater quantity of things is produced by a decreasing number of persons. When a greater quantity of any given product is made by an improvement in machinery or a new invention, and men who have before been employed in that art are no longer wanted—then a wider market must be found for products which remain within their capacity to produce. Hence those nations which apply machinery in greatest measure, and thus increase the quantity of their product while diminishing the cost as well as the number of persons employed, possess the greatest power of competition in supplying other nations in which arts are mainly handicrafts. For instance, England and the United States compete with each other in supplying China with a portion of the cotton fabrics needed by the Chinese; (supplying perhaps ten per cent. of the cotton fabrics which are consumed in China) in exchange for tea, silk, etc., etc. The cultivation and preparation of tea and silk being of necessity handicrafts, this exchange would occur even if no climatic condition entered into the case. The

exchange of fabrics made by machinery for tea and silk, yields each nation what it needs with the least effort, although the quantity of labor varies greatly.

It therefore follows that the power to control commerce with the non-machinery using races, who constitute more than three-fourths of the population of the globe, rests with that nation which applies machinery most effectively to the greatest natural resources, and whose product is least diverted from being applied to profits and wages by destructive taxation, such as the support of a great standing army or costly navy.

The invention of machinery creates commerce. If we revert to the former conditions of life in different sections of the United States, may we not find an explanation of the vast increase in the domestic commerce of the country, in the greater *interdependence* of each section of the country upon each other section, as well as in the greater interdependence of individuals upon each other. Exchanges of product for product have widened and increased, perhaps in greater measure than the aggregate product itself. If we recall the conditions of life of the New England farmers and artisans in the early part of the century, a very small money income sufficed them, because they lived mainly upon what they produced themselves, and because many of their exchanges were made without the intervention of any money. They *swopped* or bartered services in the erection of their dwellings and in harvesting; they raised, spun, and wove their own wool; they packed their own pork; they raised their own corn and paid for grinding it by a toll in kind; they cut their own fuel. These primitive conditions can even now be observed in the mountain sections of the Southern States. But even under such conditions, the consumption of food and fuel by each person may not have varied greatly in quantity or weight from that of the present time. It differed greatly in kind and quality, and also in the method by which it was attained; but the quantity of food in ounces, which is the final standard, cannot greatly vary in one period as compared to another. We waste a great deal more now than we did in those early days, but our actual consumption of food per person cannot have increased in any very large measure. In the primitive days, under these primitive methods, the labor was so arduous and the hours of work were so continuous that only the strongest survived. The figures representing commerce were very small, and when

wages were paid at all, they were at very low rates for long hours of merely manual labor. Under the modern method of extreme subdivision, and the application of adequate machinery, *i. e.*, capital, the labor is less toilsome, the hours of work are shorter, the weakest can find something to do, each serves the other, and in the process of manifold exchanges, the figures representing commerce rise to almost incomprehensible millions; yet the actual quantity consumed, as I have said before, may not have varied in any great measure, so far as food and fuel are concerned. So far as clothing is concerned, production and consumption have increased enormously.

The end of all this vast system of exchange is, however, that, in one way or another, each person may secure about three pounds of food per day, a few yards of cotton or woollen cloth each year, two or three tons of coal or five or six cords of wood a year, and a given number of cubic feet of space sheltered by a roof. They needed as much per person of the absolute necessities of life fifty or a hundred years since as they do now, but they obtained them only by working twice or thrice as hard. They were more independent, less interdependent. There was far less capital, and much more arduous and excessive labor. The conditions of life were more equal, but it was the equality of sordid, continuous, excessive manual labor, aided neither by the factory nor by the railroad; neither by the more modern inventions of the masters of science, nor by the administrative and organizing power of the great capitalists, without whose potential work all modern progress would have been substantially impossible. The fortunes which those great directors of industry have made for themselves bear but the proportion of a small fraction to the labor which they have saved their fellow-men.

I will repeat again what I have said before: the late Cornelius Vanderbilt may be taken as an example of a communist in a true sense. He was the greatest communist of his age. He consolidated and perfected the railroad service in such a way that a year's supply of meat and bread can be moved one thousand miles, from the western prairies to the eastern workshops, at the measure of cost of a single day's wages of a mechanic or artisan in Massachusetts—that is to say, if the mechanic or artisan of the East will give up one holiday in a year, he removes one thousand miles of

distance between himself and the main source of his supply of necessary food.¹

¹ I have cited the late Cornelius Vanderbilt as the great communist of his age for the reason that he may be said to have first invented the consolidation of a through line of railway from the prairies of the West to the markets of the East, with a consequent reduction in the cost of bread and meat to the dense population of the Atlantic seaboard. By this consolidation and effective service, one thousand miles of distance has been substantially overcome at such a small cost as to have rendered the choice of position, at any point within that range, a matter of so little moment in respect to the supply of Western food as to be practically out of consideration. For instance, the value of the product of five hundred operatives in a coarse cotton factory in Massachusetts is over one million dollars per year—all the western flour and meat which these operatives need in a year can be moved from Chicago to Lowell at a cost of \$600, and sometimes for less.

It is sometimes urged that such great fortunes as that of Vanderbilt and a few others are against the public interest, and that some method ought to be devised for limiting their accumulation. This ungrounded prejudice has mainly arisen from the jealousy rightly caused by the great fortunes which were accumulated by expert gamblers under the malignant system of the greenback or legal-tender paper money before these notes had been made redeemable in gold coin.

It is very true that the most of the fortunes which were made out of the fluctuations of the currency were speedily lost, but the foundations of a portion of the most conspicuous existing fortunes were laid under these bad conditions.

It is hoped, and may be believed, that the advocates of paper money will never again be enabled to impose such a malignant instrument of fraud upon the community.

Other fortunes which rightly excite jealousy, and which might, perhaps, have been prevented by legal measures, are those which have been made by fraud and by the abuse of trust in corporations on the part of a very few conspicuous or notorious railway promoters and speculators. They need not be named because, fortunately for the welfare of the community, the number of persons who have successfully stolen the property of those who trusted them is very limited; hardly more than one name will come to the mind of any person as the chief exponent of this nefarious class at the present time.

But in regard to such persons it may be said that they are in the nature of monstrosities; they are the spawn of a corrupt period; in one way or another, the man who corrupts a court will be abated in some way as a public nuisance, if death does not fortunately remove him, or ruin overtake him.

The great fortunes of those who have fairly earned them by their capacity to direct and use great masses of capital in the most efficient way, cannot be a subject of jealousy, suspicion or distrust. As well might large steam engines be a cause of distrust and a clamor be raised for the substitution of a number of little ones.

I have endeavored to show how both the rate of wages and the purchasing power of the wages depend wholly upon the abundance, ready distribution, and quick sale of the joint product of capital and labor.

It is now constantly affirmed by certain enthusiasts and sentimentalists, who are sustained by cranks and demagogues, that, inasmuch as all production rests ultimately upon labor, therefore laborers are entitled to the first consideration and the remuneration of capital ought equitably to be subjected to the prior claims of labor.

This extreme position is the exact reverse of the conception of the relations of labor and capital which prevailed during the first half of the present century, when the science of political economy first became a matter of real study. At that time capital received the first consideration and labor was deemed subordinate, or subject, we might say, to capital. One extreme position is as utterly false as the other; both are mischievous; but, if injustice is done in either direction, it is the laborer who suffers most and the capitalist who suffers least. Perhaps the greatest measure

Having attempted to estimate the main factors which determine the general or average rate of wages at a given time, we may now consider the subdivision or the forces which affect the subdivision of the true wages fund. Why is the average rate of wages in a given occupation two dollars a day in one place, and one dollar a

of suffering to laborers who are nominally free will be caused when capital and capitalists are subjected to unjust restrictions and injudicious discrimination.

The main purpose of this treatise has been to bring into most conspicuous view the great fact that capital is a *force* which may be applied to the increase of *production* and which *promotes abundance* in the greatest measure; but that it is not a substance to be divided, on the division of which the wages of the laborers depend.

Now, every great force requires the most intelligent and careful direction; the greater the force, the greater the measure of intelligence and care required. For instance, since the introduction of the steam-engine, or the application of gunpowder to the purposes of mining, no force has been applied with such general benefit to humanity as the railroad, whereby the products of the richest sections of the world's surface are distributed over the widest area.

So long as the railway service between the East and West constituted detached sections, several of which existed between Albany and Buffalo, as well as elsewhere between New York and Chicago—each section being worked under a different administration more or less effective—the general service was ineffective and costly.

It required a man of positive genius in the use of capital and of the greatest administrative power to bring into effect the consolidation of this single line.

It matters not what the motive of the late Cornelius Vanderbilt may have been. It matters not what may have been the motives of those who consolidated that most wonderful organization of all, the Pennsylvania system of railways. It matters not what may have been the motives of those who have laid out the several great systems which are scattered over the country since Vanberbilt set the example and led the way. The general result of all this work has been a reduction of the railway charge for moving merchandise throughout the United States to the lowest possible point consistent with leaving any incentive of profit sufficient to induce the great masters of the subject to continue their work.

This work is not that of the laborer in the sense in which that word is used by so-called labor reformers. It is not labor in the common acceptation of the term, yet it is an effort of the human mind of such a quality that except capital had thus come under the control of these men all the efforts of laborers would have utterly failed to promote the general welfare. The farmers of the West would have "smothered in their own grease," and would have continued to burn their Indian corn for fuel, while the workman of the East might have starved or would have been compelled to labor long and arduously on the sterile soil of New England, in order to obtain a mere subsistence.

The true function of capital and the capitalists is of the utmost beneficence. It cannot be exerted in the present condition of the world except by the ownership of land and of capital, subject to the limitations and to the duties which are implied by existing laws. That the relations of labor and capital may be measurably changed and perhaps improved by changes in legislation, especially in respect to taxation, may not be denied; but the fundamental principles of individual ownership, subject only to the right of eminent domain and to the payment of taxes, are essential to that abundant production and ready distribution which makes for the general welfare.

As human nature is now constituted the individual control of capital is essential to its adequate use. Corporations are of the nature of artificial persons, and even they never succeed unless there is some one man capable of becoming the head or chief officer, sustained by as many able assistants as the case requires.

Even the successful co-operative shops in Great Britain exert the closest competition in purchasing their goods and pay very high salaries to those who do this part

day in another, within the same country at the same time? Or, why has the rate of wages in the same place been one dollar a day at one period, and two dollars a day at another, at different times? Third, why is it that one true dollar will buy more in one place than two true dollars will buy in another? Why do absolute wages vary, as they do and have varied, in such proportions as are indicated by the rates in money? And why do the rates of wages vary even when the prices of commodities are the same? In reply to such questions as these we are often answered with the orthodox expression: "Supply and demand determine such points." But this is no conclusive answer until we know under what law the supply has been assured, and under what law the demand exists. These terms, *supply and demand*, are commonly used as if each were absolutely certain to induce the other; but such is far from being the truth, except it may be after a long interval of time. Capital may become so effective, by the improvement of the machinery in which it consists, that a few laborers may be able to supply an article of the utmost necessity in such rapid and excessive measure as to keep the quantity beyond the purchasing capacity of those who need it; the need may exist, but the demand—that is to say, the purchasing capacity—is limited not only by outside conditions, but by personal mental capacity and manual ability of consumers. We may assume, for instance, a community consisting of cotton growers, who raise and pick cotton as a handicraft, and of cotton spinners and weavers who have, also, spun and woven the cotton fibre as a handicraft upon spinning wheels and hand-loom. These two classes now exist side by side in the mountain sections of the South. Up to a given date these two sets of persons may have exchanged services with each other in the ratio of one spinner and one weaver to four growers of cotton; or, in order that we may be able to eliminate those who are displaced by an improvement in machinery, we will assume greater numbers; say in the ratio of one hundred spinners and weavers to four hundred growers. But suddenly capital, in the form of a cotton fac-

of their work—else they would surely fail. Every co-operative factory is under the personal control of a well-paid superintendent:

"The tools to him who can use them." Capital is a tool which cannot be used except to the mutual benefit of capitalist and laborer. Service for service is its necessary law—the only open question is the ratio which each service bears to the other, and, if my observations are sustained, the law of competition is that the ratio of profits diminishes while the rate of wages steadily increases.

tory, takes the place of hand spinning and hand weaving; the capacity of a single person operating the machinery of a modern factory being sixty to one hundred fold the capacity of a hand worker, and the outside market for the cotton fabric being only among the cotton growers, one hand in the factory exchanges with them, taking their cotton and furnishing them with cloth, and ninety-nine hand spinners and weavers are displaced. They may know no other art. They demand cotton fabrics to cover their nakedness, but they can no longer exchange cloth for cotton. The cotton growers may be able to increase their product in some measure, but they cannot or will not exchange with the hand spinners and weavers when they can exchange on better terms with the factory. The cotton grower and the factory operative may each have more than they had before, and may each prosper; but until the ninety-nine hand spinners and weavers who have been displaced can qualify themselves to do some other service for the cotton growers, or until the cotton growers have developed a want for something else than hand spinning and weaving, there may be no equality in the distribution of the greater supply of cotton fibre and of cotton fabric; there may be want in the midst of plenty. The hard and fast rules of supply and demand must therefore be varied according to the capacity of the persons on whose wants supply and demand are predicated. We heard a great deal about over-production during the long depression between 1873 and 1879, and we are hearing the same cry of over-production at the present time of depression in 1884. Why is this? Over-production simply means an excess of food, fuel, and means of shelter; in other words, it means *supply* of capital. It cannot be said that the people of this country all have so much food, fuel, and shelter that there is no demand for any more. On the contrary, want exists; the need is urgent, but the *demand* does not become potential because something is wanting to bring supply and demand to the terms of an exchange. It takes two to make an exchange. One may have what the other wants, but if the other cannot serve the one, both suffer—one from over-production, the other from under-consumption.

We may perhaps find a clue to this apparent paradox by a consideration of one single branch of industry—to wit, the construction of railways. A railroad is, to all intents and purposes, a product of handicraft. The work done in the construction of a

railroad mainly consists in positive, direct human labor, in leveling the way, filling up the valleys, piercing the hills, working in mines and in blast furnaces. Every mile of railroad added to our existing measure stands for the work of about fifty-six men, mostly *common laborers*, working one year. In 1882 we constructed over 11,500 miles of new railroads. In 1884 we shall construct less than 5,000 miles. More than 400,000 *common laborers* have been discharged from work by this change in this one branch of constructive enterprise. They want food, fuel, means of shelter, and clothing now as much as they did in 1882; they represent need or potential demand. Over-production, on the other hand, represents supply; but until other work within the capacity of *common laborers* is found, the wants or demand of these men will not be met, and the over-production or excess of supply will not be consumed. The final end of such a condition is, of course, that pauperism ensues unless an adjustment of labor can be made, and the over-production or excess will then be distributed by the noxious method of alms-giving or State aid. The only true remedy is to develop the individual capacity of each *common laborer*, and to render him capable of performing more than one kind of service. To use a Yankee expression, we must evolve "gumption," which is a purely personal quality, in order that there may be neither over-production nor under-consumption.

Let us now return to the direct question: *What makes the rate of wages?* I will challenge your attention, by submitting certain paradoxical propositions which I will presently prove by examples. Although subject to exceptions and to temporary interruptions, they take the form of rules of substantial and uniform application if time be given them to work. In any given country, like the United States, where the people are substantially homogeneous, where the means of inter-communication are ample, where there are no hereditary or class distinctions, and where there is no artificial obstruction to prevent commerce, high rates of wages in money will be the natural and therefore necessary result of low cost of production in labor. That is to say, the two forces of capital and labor being combined in the production of any given commodity, the greatest quantity of that commodity will be produced where the conditions are most favorable and where the least number of persons is therefore required to do the work.

To that point, the best workmen and the most adequate capital

will surely tend. This product, whatever it may be, will then fall into the general market of the country, to be converted into terms of money by sale, and will there meet other commodities of like kind which have been produced elsewhere under less favorable conditions or by less skilful persons, with the application of less adequate capital, *i. e.*, poor machinery. That portion which has been produced under the best conditions will, therefore, be the representative of the work of the smallest number of persons; and that which is produced under the least favorable conditions, of relatively the largest number of persons. Equal quantities from each source being sold, the sum of money recovered from the sale will be the same, and it will, of course, yield on the one hand to those most favorably situated, large profits and high wages to the small number employed; and on the other hand small profits and low wages to the larger number less favorably placed. These relative conditions may continue for very many years, as it is not easy to change the place either of capital or of large forces of laborers. All will not go to the most favorable place, because there are many other things than mere money which control the disposition of population. For instance, I have given some figures relating to the production of wheat on the great plains of the far northwest. The wheat there produced is greater in quantity in ratio to the capital and to the number of laborers employed, than in any other part of this country, and wages are very high in the harvest season; but it does not follow that every person who has been engaged in raising wheat in Central New York will leave his farm, whether he be owner of the farm capital, or laborer. There are many conditions of life in Central New York which will keep men there in preference to migrating to Dakota, even though both profits and wages be less. Hence it follows, that although the *total* production of any given thing may not be concentrated at the very best point, it will yet be found to be true that where the conditions are the best, the cost measured in terms of days of labor will be lowest, and the wages measured in terms of money per day will be the highest; the high money wages being the necessary consequence of the low labor cost. Conversely, low rates of money wages are the natural and necessary result of a high labor cost of production. This rule mainly affects such products as are made by handwork, or which of necessity remain handicrafts, *i. e.*, work in which the hand is assisted only by very simple tools of which

each operation is guided by the hand. In such cases both the materials worked upon and also the product may bear a very high price; but the work upon them, not being aided by effective machinery, the quantity of labor will be very large, and the result of the sale may therefore leave but a very small sum to be divided among very many laborers after the cost of materials has been set aside. All mere handicrafts are quickly overcrowded, except such as call for artistic or original power of design. For instance, after the pattern is drawn it takes merely manual dexterity to make Brussels lace. The material which is used in this branch of industry is fine and costly cotton thread, which is converted into lace by hand without the aid of any machinery whatever, but merely by the use of two or three simple tools; the lace-makers of Brussels are among the poorest of the poorer classes of European operatives. They work at the very lowest rates of wages, which will barely keep them in existence, but their product is of very high cost in money. The very best Lyons silks and German velvets are other examples. They are made upon hand-loom of the most primitive kind. Beet-root sugar is another example. Beets require constant hand work in weeding. We cannot afford the time or labor for such work so long as we can exchange wheat raised by machinery for money and with the money buy our sugar. In all handicrafts the quantity of labor is very great, but even at the high prices which such products bring, the total sum of money recovered from the sale, leaves but a very low rate of wages to be divided among those who have performed the work. It thus becomes very apparent that the rate of wages must be determined by what the product will bring in the market, from which must be deducted materials and profits. The total annual product may be converted into a lump sum of money, which will represent the combined result of the sale of each particular part of the annual product, each part of which has been separately converted into a definite sum of money by sale. From the gross sale of the whole the general rates of wages and profits are and must be derived; and from the sale of each particular part the rate of wages and the rate of profit on that part, *i. e.*, in that branch of industry, must be measured and defined.

So long as we consider the total product of the United States as a unit or single subject of division, the conception of that division may be limited to the two objective points of profits and wages.

Reverting to the algebraic formula, a simple statement serves: x being the value of the annual product, the formula is: $x - a$ (profits) = b (the sum of the wages of all persons employed). But when we take up any special art the proposition becomes a very complex one, and it is extremely difficult to separate the various elements of a given cost, except by the measure in money in which such elements of cost are usually expressed. Each part of the work must be considered separately, in order to prove that the rate of wages of each body of workmen who are engaged in each part of the work constitutes a remainder over, and is a result or consequence, rather than an element or measure of cost.

THE PROBLEM IN COTTON MANUFACTURE.

We may perhaps solve this problem by an example, and for this purpose a cotton fabric may best be taken, because it is an example of production to which the highest art in the application of machinery is necessary in one department, as well as the lowest-priced manual labor, but little aided by machinery in another.

The elements of a cotton fabric are:

1st. Cotton, including the profit of the cotton farmer, the wages of the cotton laborer, and the wear and tear of the capital or tools used in the production of the fibre.

2d. Other materials, which need not be considered separately, as the same principles which govern the supply of cotton also govern these.

3d. The transportation or movement of the cotton to the factory.

4th. The wear and tear or depreciation of the factory, resulting both from use and from the invention of better machinery.

5th. The wages or earnings of those who do the work.

6th. If taxes are levied upon machinery, the capitalist will also assure himself that he can charge the taxes as a part of the money cost of the goods before he builds the mill, and thus distribute them upon consumers, but they do not of necessity enter into this consideration.

With respect to cotton, no attention need be given to any assumed value of land in the southern United States, considered merely as land. The area of cotton cultivation has never yet equalled three acres in one hundred of the area of the cotton States, and if the same measure of intelligence were applied to cultivation in all the States which was given to cotton production

by the late Farish Furman, of Georgia, the whole commercial cotton crop of the world, including that of the United States, India, Egypt, and South America, could be produced on one fifteenth part of the area of the single State of Texas.

The price of cotton, therefore, yields profits to the farmer and wages to the laborer; as time goes on, the two are becoming more and more identified. The price of the cotton is determined by competition in the great markets of the world—in Liverpool, Havre, and New York. When the cost of transportation has been set aside and the profit of the cotton farmer has been realized the remainder over, although it is but a small sum per pound, yet suffices to pay the laborers upon the cotton farms of the United States the highest *rate of wages* earned by the cotton cultivators of the world—a far higher rate than can be attained by the ryots of India, the fellahs of Egypt, or the peons of South America. The purchasing power of the wages of the negro of the southern cotton field is also very high when measured by his wants; he prefers bacon and corn—"hog and hominy"—with a little molasses, to any other food; his week's ration consists of three and a half pounds of bacon and one peck of meal, and this can be furnished him at fifty to seventy cents per week, according to the season and to the abundance of the western crops, or at seven to ten cents per day. The food of the rice-fed races of India costs less nominally, but if consideration be given to the force concentrated in and represented by the food, there is probably no other laboring force in the world which can be subsisted at so low a cost, either measured in labor or in money, as the freed negroes of the South.

The price of raw cotton being thus determined, the place at which it may be converted into cotton cloth must next be determined. Into this question many conditions enter:

- 1st. The use of water or steam power.
- 2d. Climatic conditions.
- 3d. The density of the population and the capacity of the separate members of the population to do the work.
- 4th. The proximity of the factory to the market in which the principal demand exists.
- 5th. The consuming power of the community in the midst of which the factory is placed, and their ability to buy the products

for which the cotton fabrics made in excess of their own wants are exchanged.

Omitting all consideration of fine cotton fabrics, which perhaps depend upon the relative or constant humidity of the atmosphere in the choice of the place where they are to be made, but which are of little relative consequence in the supply of clothing,—and limiting our attention to pure cotton fabrics of heavy or medium weight, which constitute the most important portion of the supply of such fabrics, it appears that the lowest cost of production has been attained in some of the principal factories of New England. The fabrics of these factories meet those of other countries in China, India, Africa, and South America, and are there sold in competition. The price received has thus far sufficed to defray the cost of the materials, the transportation of the cotton from the southern field to the northern factory, the heavy local taxes, and a reasonable rate of profit to the owners; and the remainder over has sufficed to give the operatives the highest rate of wages earned in this art in any part of the world. Whether this superiority can be maintained by New England in competition with the Piedmont section of the Southern States is now considered an open question by some observers. In this paper it will suffice to call attention to two facts by which the propositions herein submitted are fully sustained.

MR. ATKINSON'S MAIN PROPOSITIONS.

1st. That in this art the rate of profit in a given product has steadily diminished, and the rate of wages (or of the remainder over) has as steadily increased.

2d. That in the most important division of this art, to wit: the manufacture of coarse and medium fabrics from cotton unadulterated with clay, the highest rate of wages (or remainder over) is realized where the cost of production is lowest, *i. e.*, in New England.

In treating this subject it matters not whether this result has been reached by means of a protective tariff, or in spite of one. It is admitted that special rates of wages in a particular art may be raised by the exclusion of a foreign product of like kind, so long as the price of the domestic product is maintained above what it would otherwise be; but this is exceptional. I have selected examples of products of which the price is determined

both by domestic but also by foreign competition, in order that the main question may not be confused by any prejudice for or against any special policy. Reference will be made hereafter to the conditions under which the policy of protection may or may not be expedient.*

* In this connection the writer may venture to express an opinion as to the place in, or section of, the United States where the cotton manufacture will be gradually concentrated.

It has been submitted that the most ample capital and the most skilful labor will tend to the most favorable place, because at that place the remainder over of which wages consist will be the greatest proportion recoverable from the sale of the product.

Steam having substantially displaced water as the motive power of the factory, the climatic or atmospheric conditions in which the cotton fibre can be most successfully spun and woven have become perhaps the most important elements in determining the place of conversion. In England there is a steady and constant trend of the spinning mills to the points where the deposition of moisture is most uniform, and where the humidity of the atmosphere is most constant. There is scarcely a spindle left in Manchester, and there are eleven million spindles in Oldham, a town which has grown from insignificance to this importance in a very few years. It is about 800 feet above the level of the sea, on the edge of the level moors, at a point where the deposition of moisture is constant. In this country it may perhaps happen that cotton spinning will be concentrated more and more along the coast of the southeastern part of Massachusetts, in Rhode Island, and along the coast of Connecticut, where the influence of the Gulf Stream is most apparent, and where cotton and fuel can be laid down at the least proportionate cost of transportation. It will be observed that in the annual expenses of families living upon an income of \$500 to \$800 per year, the cost of mere subsistence is sixty per cent. of the whole expenditure. In the section designated, the staple articles of western food — grain and meat — can be delivered at a cost of \$5 per ton for over 1,000 miles of distance, and one ton suffices for a year's ration of grain and meat for four or five persons. On the other hand, this section has a positive advantage over almost any other in respect to groceries and in the supply and preservation of vegetables, while its distance from the cotton field is fully offset by its greater proximity to the principal markets for goods. The colder climate of winter gives a necessary stimulus to industry, and is more readily modified than the excess of heat in the southern summer. Hence it may happen that at this point, or in this section, the highest wages will always be the remainder over from the manufacture and sale of staple cotton fabrics.

In this section the population will also be likely to remain more dense, and also more capable of great diversity of employment and subdivision of labor. These are very important considerations, since the margin of profit is becoming less and less. It may almost be said that in all the great arts the profit is found in the utilization of the waste or of the secondary product of the factory, and in the facility with which the machinery can be kept up without the necessity of maintaining a large force of spare hands under constant pay. Hence the isolated cotton mill, which is far away from the paper mill on the one side and the machine shop on the other, is at a relative disadvantage which tells against it in the close competition under which a quarter of a cent on the yard of cloth is equal to four or six per cent. on the capital invested. This tendency of particular arts to become fixed in particular places calls for more attention than has yet been given to it, in order that the reasons may be fully comprehended and their influence on wages considered.

It would be a matter of curious interest to study the forces or influences which made gloves the chief product of Gloversville in New York, and gave the town its name; why card clothing is made chiefly in Leicester and Worcester, Mass.; why men's heavy boots are made in Spencer and Brookfield, and women's boots and shoes in Lynn; why brass work of certain kinds is conducted so largely and exclu-

Wages are held to be a consequence,—a result,—a remainder over after capital has received such profit as will have induced it to undertake the work; *the rate of wages cannot, therefore, be considered a true measure of the cost of production.* Wages are a consequent result, and their measure or rate is, and must be, determined, in the long run, by what the product will bring, and not by what the capitalist may either promise or be willing to pay for a given time. He may not be able to forecast the future in such a manner as to be able to carry out a single promise which he has made in advance of the sale of his product. The *sum*, but not the rate, of the wages in any given quantity of products, may serve as a means of comparison of the money cost, when persons who are engaged in the same branch of business desire to compare their conditions; but the rates of wages constitute no measure of comparison, unless the conditions under which the work is done,—that is to say, unless the quality and kind of machinery, the materials used, the advantage of position, the hours of labor, and other elements of the real cost, are absolutely identical.

I have said that in a country which is inhabited by a homogeneous people, the rate of wages will be highest where the conditions of production are most favorable, because the quantity or intensity of the labor will there be least and the product will there be greatest. In like manner, when exchanges are made between two different countries, each country will exchange with the other some portion of its own product, which it can make under the most favorable conditions, or in excess of its own needs. The two products being each converted into terms of money will be exchanged as equivalents, without any regard to the proportion or quantity of labor which each represents. We may exchange one day's labor in a Lowell factory in the manufacture of drills, for one hundred days of labor in China in the preparation of tea. It

sively in a few towns in Connecticut; etc., etc. There are, of course, very obvious reasons why primary work of many kinds should be found in special places, but the reasons for the concentration of secondary work are not so plain, and a study of the causes might yield most valuable results, especially in their effect upon the remainder over which makes the rate of wages in these arts.

The time has been when fine cotton yarn has been spun in England, sent to France to be woven, to Germany to be dyed, and brought back to England to be sold. The best flour of Minneapolis is even now in some small measure sent to London to be baked into biscuit, and is brought back to Boston and New York to find a market. If profits and wages were not recovered from these movements in greater measure they would not occur. What are the subtle causes of such commerce?

matters not what the rate of wages of the Lowell operative had been, or what the earnings of the Chinamen handling tea had been; their product is converted into terms of money, and is exchanged at certain prices which represent a given number of yards of drills for a given number of pounds of tea. Each is an equivalent to the other. No one asks what the rate of wages or the quantity of labor in each has been. The wages are the result, not the antecedent.

When the exchange is continued, it proves that each party makes a profit by the transaction. The Lowell operative could not have produced the tea, the Chinaman could not have produced the American drill; when the exchange is made, the tea sells in America for more than the equivalent of the drill there, and the drill sells in China for more than the market price of the tea there; therefore, there is a certain sum of money, or result of labor expressed in terms of money, to be divided among the laborers in each country, in excess of what there would have been had not the exchanges been made. The final result of the labor of the Lowell operative is the number of dollars which the tea brings, less the cost of transportation; that sum is more than the drills would have brought at home, else they would not have gone to China.

Try this on a little larger scale. We now import into the United States, annually, materials which are free of duty to the value of \$200,000,000, and we exchange for them, at this measure in terms of money, the surplus of our cotton which we could not now spin ourselves,—the surplus of our oil which we could not now burn ourselves,—and the surplus of our wheat which we could not now eat, even if every man had every day all the bread he could possibly consume. What we send out is our surplus, our excess, a part of our *over-production*, which could not be converted into terms of money at any price, or which would have reduced the price of the whole product if it were retained; if retained at home it would yield nothing to divide in terms of money as the equivalent of such excess among those who did the work. But the substances for which we have exchanged this excess having been brought into the country where they do possess a value of \$200,000,000, or more, there is that additional sum to be converted into terms of money and subdivided in profits and wages. In the use of this foreign material, much of which enters directly into the work of domestic manufactures, all wages are therefore, by so much higher than they

would have been otherwise. There is so much more to be divided in terms of money, because so much has been added to the quantity of things which could be used; while the cotton, oil, and wheat sent out from the country could not have been used. Now, it matters not what may have been the rate of wages paid in the production of the cotton, wheat, or oil; and it matters not what may have been the rate of wages paid in raising the wool of Australia, in making the tea of China, or in saving the hides of South America. We may receive the work of ten men for one day at twenty cents a day, for the work of a single man working one day for two dollars. By so much as the quantity of labor in our exportable commodities is less than the labor in those which we import, will the rate of wages be higher to our home labor as the necessary result of the exchange, because so much additional substance has been added by import from abroad to the quantity of things for which a home market could be found. This import has been received in exchange for home productions, for which there is no market, because they are in excess of home wants. There can be no continuous commerce unless there is a continuous service or profit to both parties.

It follows that the nation which has diminished the quantity of human labor in greatest measure by the application of machinery, produces goods at the lowest cost, and by exchange with the hand-working nations, who still constitute the majority of the people of the world, are, by way of such exchange, enabled to pay the highest rate of wages in money, because their goods are made at the lowest labor cost. This is the secret of English commerce.

The rate of wages is higher in England than in any country with which she makes large exchanges, except the United States. She buys largely from us in spite of our higher wages, because by way of high wages, we make grain, cotton, meat, oil, and many other articles necessary to her use, at a lower cost in money than any other nation.

Having thus attempted to present the principle at issue in this matter, let us now consider its application. The only problems of any great importance, which are now presented to the people of this country for their determination, consist of the various problems in regard to the collection of the revenue, to the banking system, to the quality and kind of coin which shall be a legal tender in the settlement of debts, and other fiscal questions. The

tariff, the currency, the banking system, and the coinage, are the only political questions of any moment. Fortunate for us that it is so, and that we are free from the complications of other countries. Strange it is, and true it is, that the most difficult political question to be dealt with by the people of the United States is, *how to get rid of a surplus revenue.*

Neither one of these problems can even be stated without immediate reference being made to their bearing upon the rates of wages of the people of this country.

Aside also from questions of revenue, banking, and coinage, the relations of men to each other cause discussion, — the hours of labor, the respective duties and rights of employers and employed, competition and coöperation, and all the other subjects which are customarily summarized under the general term of “the labor question.” Not one nor all of these questions can ever be discussed without an immediate consideration of the rate of wages. In every speech, in every essay, and in every conversation by the way, upon any of these subjects, the *rate* of wages comes at once to the front, and, as a rule, one or the other of the following propositions is almost invariably assumed, all of which are the very reverse of being true, and all of which are inconsistent with the law of wages which I have attempted to propound. All such discussion serves but to confuse the mind, simply because no distinction is made between the rate of wages and the sum of wages, and because it is assumed that all laborers or operatives are equally efficient.

I again desire to express the hope that the form of these propositions may not prejudice any one, be an advocate of protection or of free trade. The so-called principle of *laissez faire* is by no means implied in this treatise. The welfare of laborer and capitalist rests upon many other conditions than the rate of profits or wages, but the forces which determine these rates must be fully considered before any intelligent discussion of any social question can be undertaken. It is to these forces that I have endeavored to limit this treatise.

THE FOUR FALLACIES.

Popular Fallacy No. 1. The cost of production of any given article can be ascertained by finding out and comparing the *rates* of wages paid in its production in different places, here or elsewhere.

Popular Fallacy No. 2. Low *rates* of wages are necessary

to low cost of production ; high *rates* of wages can only be paid consistently with high cost of production.

Popular Fallacy No. 3. Inasmuch as laborers work for wages, wages enter directly into the cost of production, therefore cheap labor can only be assured by the payment of low *rates* of wages.

Popular Fallacy No. 4. An employer must of necessity be able to hire laborers at low *rates* of wages in order to make goods at low cost.

Now if one asks any employer which workman is the first one to be discharged in a period of depression,—the workman who, being employed by the piece, earns the lowest rate of wages for himself, or the one who earns the highest,—unless some other question than the mere cost of goods enters into his consideration he will reply: “Why, the poor workman will be discharged first, of course,—he who earns the lowest rate of wages.” Each employer understands perfectly well in his own business that the cheapest man,—that is, the man who does the most work for the least money, is the one who works the greatest amount of machinery with least stops, *i. e.*, the most effective workman ; in manual labor it is the strongest ; in a handicraft it is the one who possesses the greatest manual dexterity ; in the operation of machinery it is the one who understands the machine best and can get the most work out of it. The very man who may have taken part in a discussion in which he has assumed that the popular fallacies which I have recited are unanswerable truisms, will never conduct his own business consistently with them, and if he did he would be sure to fail sooner or later.

The true cost of any given article is the quantity of labor or the human effort expended in its production ; now, if we consider a human being as an automatic machine, similar to any other mechanical power or force, the true cost is the quantity of food and fuel expended in the conversion of a given amount of material substance into human force. How true this is has been proved by Brassey in his comparison of the cost, even in money, of the labor of the English navy as compared to the Hindoo or any other of the rice-fed people of the world. This human effort is measured or converted into terms of money, and it is the sum of the wages, not the rate, which constitutes the money cost ; to this sum the rate of wages may bear a large or a small proportion.

Wages in money are the instrumentalities for procuring food, fuel, and shelter; and the worker is practically the more effective, the more money he can earn, or, in other words, the more money he can spend in a judicious manner for a good subsistence. The English navy may be instanced again as being worth twice as much, either in the measure of his work, or by converting the measure of his work into wages, as the rice-fed coolie. He earns more, he spends more, he eats more, and he does more than double the work. Therefore, although he attains a high rate of wages, the result of his labor will be a lower cost of production. Again, the skilful weaver who can tend six looms, and keep each loom moving, being paid by the piece or according to the quantity of cloth woven, earns higher wages than the unskilful weaver who only tends four looms, and has one stopped a large part of the time; the sum of the wages of the six-loom weaver is the least in proportion to the quantity of cloth produced. The high wages represent the low cost.

Not very long since, a German steamer on the way to New York, was very much damaged, so that very extensive repairs became necessary. It was decided to do the work of repairing in New York, as it appeared difficult to send her back to Bremen; but the agents were instructed to report in Bremen, day by day, the number of men employed and the rates of wages; which report they made. When the first report was received in Bremen, a telegraphic message was returned, ordering the steamer back to Bremen for the completion of the repairs, for the reason that the owners of the line said that they could not afford to pay such high rates of wages, being well assured that the cost of repairs would be more than what they would of necessity expend in Bremen. But it was too late; the work had begun and it was necessary to finish it in New York. When the final account of the *sum* of wages was sent to Bremen, it proved to be a less amount than the same repairs would have cost in Bremen. Since then there has been no reluctance to repair these German steamers in New York.

Again, the rate of wages may be precisely the same in two factories in the same place, and yet the cost of production will vary so much that one mill will prosper while the other will fail, because the quantity of product will vary, and the profit or loss of any textile factory rests mainly upon the quantity of yarn spun and of the goods woven. There may be many reasons for this

difference: in one mill the machinery may be old, in the other new; in one the material may be well selected, in the other badly; in one the goods may be well sold, in the other badly sold; in one the goods may meet the fashion, in the other they may be out of date, although better in quality. Under all these varying conditions, the source of wages being the money produced by the sales, high wages may have been paid consistently with low cost of production in one factory; and low wages may have been paid, notwithstanding the high cost of production, in the other; or, if the cost of production be the same, the goods of one mill being well sold and those of the other ill sold, the sum left to be divided might amply suffice for high profits and wages in the one case, and be deficient in the other. Thus, difference in management will alter results, in the same place, at the same time, in the use of similar machinery. The same management will yield different results, both in profits and wages, on different machinery. The same management and similar machinery will yield high wages in one place, and the reverse in another, at the same time, because the conditions vary in other respects.

I have submitted these several propositions under the name of popular fallacies. It will be apparent that a very large part of the discussion in respect to hours of labor, in respect to taxation, and to all other matters connected with the so-called labor question, are commonly based upon them, and the common conclusions are as fallacious as the propositions.

A true theory of the source of wages and their actual relation to productive industry is therefore necessary to any intelligent discussion of any of the questions now before the country.

THE QUESTION OF WAGES IN GENERAL.

The wage question must be treated from four points of view.

First.—What individual effort is required to earn a given sum of money in a given time?

Second.—What is the purchasing power of that money?

Third.—What are the relative efforts, as well as relative sums of money earned in the form of wages, by those who compete in a given product in the same or in different countries?

Fourth.—What is to be considered in addition to the cost of materials and the rate of wages, in placing the goods produced at the point of consumption?

The fallacies which have been previously submitted may be met by counter propositions, all of which can be substantially sustained; exceptions being readily designated, and the reason for such exceptions being readily found.

First.—The rate of wages constitutes no standard even of the money cost of production; which cost must be made up by adding together the sum of all wages and dividing by the product, in order to establish a unit of cost in money by way of a unit of measure—whether by the yard, barrel, or pound.

Second.—Low rates of wages are not essential to a low cost of production, but on the contrary usually indicate a high cost of production,—that is to say, a large measure of human labor and a large sum of wages at low rates. Conversely, high rates of wages may, and commonly do, indicate a low cost of production,—that is to say, a small proportion of human labor and a small proportionate sum of wages at high rates in a given quantity of product.

Third.—Cheap labor, in a true sense, and a low rate of wages are *not* synonymous terms, but are usually quite the reverse.

Fourth.—An employer is not under the necessity of securing labor at low rates of wages in order to make cheap goods, but he may and commonly does pay high rates of wages, for the very purpose of assuring the production of goods at the lowest cost,—that is, in order to be able to sell them on the lowest terms, or “cheap” in the popular sense.

The abuse of the word *cheap* leads to more mischievous fallacies than any other abuse of language. The cheapest labor is the best-paid labor; it is the best-paid labor applied to machinery that assures the largest product in ratio to the capital invested.

If these propositions can be sustained, it may be submitted that the more the capitalist increases his wealth and applies it to reproduction, the more the welfare of the laborer is assured. The competition of capital with capital tends constantly to a decrease in the ratio of the profit of capital to the total production, and of necessity tends also to a constant increase in the rate of wages of the laborer; thereby more than counteracting the tendency of the competition of laborer with laborer to diminish wages.

I will now attempt to prove these apparently paradoxical propositions by one of many examples by means of which this theory can be sustained. It will be taken from the records of the cotton manufacture, not only because this branch of industry is most fa-

miliar to myself, but because it was almost the first of those which were brought under the factory system by division of labor, and under this system factory accounts have been kept in the same way from the very beginning.

THE MASSACHUSETTS COTTON MANUFACTURE FOR FIFTY YEARS.

In 1830, when the first statistics in my possession are dated, the average earnings of all the operatives in a large cotton-mill, who then worked thirteen hours or more a day, and among whom were comprised a much larger proportion of men than at the present time, while the women were older and there were fewer children, were \$2.50 to \$2.62 per week. The quantity of machinery which each hand could tend was much less; the production of each spindle and loom was less; the cost in money of the mills per spindle or loom much greater, while the price of cloth was at times more than double the price at which it can now be sold with a reasonable profit. The average earnings of all the female operatives in what purports to be the same factory, at the present time, on the same fabric, working ten or eleven hours a day, under vastly better sanitary conditions, both in the factory and in their dwelling-houses, are \$5 per week, and in some cases even \$6—or more to the most skilful. That is to say, women only now earn about twice as much in ten hours as men and women combined averaged in thirteen hours a little over forty years ago. Between these two dates, subject to various fluctuations from temporary causes, the course of events in this branch of industry has been as follows: A continuous reduction in the hours of labor, coupled with an increase in the earnings per hour; a diminution in the money value of the machinery,—that is, in the ratio of capital to production, coupled with an increase in its productive efficiency; a constant increase in the supply of cotton fabrics per capita, coupled with a decrease in the price; a continuous increase in the purchasing power of gold dollars in respect to almost all articles of necessary subsistence, a few articles only having advanced in price, mainly meat and timber.

In all these points the cotton manufacture is not exceptional, but the same facts can be proved in respect to all other branches of industry where the accounts have been kept upon a uniform system.

After making all necessary corrections in the data respecting

cotton fabrics, on account of the variations in the price of raw cotton, it therefore appears that the apparently paradoxical propositions which I have submitted—the reverse of those which are commonly accepted—are fully sustained.

First.—The rate of wages paid has not been a true measure of the cost of production.

Second.—The lowest rate of wages have been paid when the cost in money was the highest, and the highest rates of wages are now paid when the cost of money is lowest.

Third.—Low wages and cheap labor have not been synonymous terms. That labor has, in fact, proved to be cheapest by which the largest product for each dollar expended was assured, and that has been the highest paid labor.

Fourth.—The employer has not been under the necessity of paying low wages in order to make low-priced goods,—the goods now made at the rate of \$5 to \$6 per week being sold at less than one-half the price, in many instances, of those which were formerly made at the rate of \$2.50 to \$2.62 per week. Not only is the capital in the cotton-mill now less than one-half what it was in 1830, even when measured in terms of money, in ratio to the value of the product, but the average rate of profit which capital now rests satisfied with is less than one-half on each dollar invested what it was in 1830. Hence the competition of capital with capital has increased the quantity of cotton cloth at a decreased rate of profit. On the other hand, the competition of labor with labor has not prevented the continuous rise in the rate of wages, and these wages have more than doubled in the purchasing power of each dollar, by comparison with the cotton cloth in the making of which they have been earned. In respect to some kinds of cotton cloth, such as printed calicoes, the actual weekly wage of to-day will buy four or five times as much as the weekly wage of forty years ago. In this branch of industry, at least, all interests have thus been harmonious. The increase of wealth in the cotton manufacture has been accompanied by a yet greater increase in the welfare of the cotton operative, while both have been accompanied by a vastly greater supply of cotton fabrics, and by their increased consumption at lower and lower prices.

These data have been compiled from the accounts of certain factories which have never become bankrupt—whose stock has never been reduced in its par value, and which have paid a fair average

dividend to their stockholders, from time to time, since they were established to the present day. I have taken as examples coarse fabrics, the common wear of the million. During this period, from 1830 to 1884, this branch of industry, like all others, has been subjected to over thirty changes in the tariff; to the suspension of specie payments in 1837 and 1857. brought about by purely commercial crises; to the suspension of specie payments at the beginning of the war, brought about by the imposition of the Legal-Tender Act; to a variation in the price of cotton from five cents a pound to \$1.83 per pound; to the weary depression from 1873 to 1879; to several minor commercial crises. They have also been subjected to numerous acts of interference on the part of the State Legislature in the conduct of their affairs. If constant vacillation and change in acts of legislation, in respect to the tariff, currency, banking, bankruptcy, taxation, hours of labor, and other acts which are now deemed of present permanent interest to legislators, could have killed these establishments, they would have long since been very dead. May not this prove that we depend much less upon governments and upon statutes than we think we do? We are almost forced to accept the dogma of Buckle, that the greatest service of modern legislators is to repeal the obstructive statutes of their predecessors.

The same progress and improvement in the condition of the operative has occurred in England during the same period; only the change has been greater there than it has been here, because the English operatives started from a much lower plane and have now nearly attained an equality with the condition of our own in many departments.

We may now recur to the question, What makes the rate of wages? In other words, Why are the average wages expressed in terms of money in the same factory nine to ten cents an hour today, against three and a half to four cents an hour forty or fifty years ago, while the rate of interest or profit on capital, when invested in the safest possible securities, is now only three to four per cent. against six, eight, or even ten per cent. then?

NEW ENGLAND AND NORTH CAROLINA.

In order to bring out the point of this argument with yet greater clearness, having already compared one period of time with another in the same factory, we may now compare one mode of

work in this art with another in the same country in two different places, to wit: Let us compare the homespun fabric of Western North Carolina with the factory cottons of New England. It is computed by men who have had much experience, and whose observations are entitled to credence, that there are two or three million persons living in the heart of the United States, in the mountain section of the South, who are still clad in homespun fabrics of cotton and of wool. I have myself been among them, and have examined the conditions of the art of making cotton goods as it there exists. Two carders working with hand cards, two spinsters operating spinning-wheels, one weaver working a hand-loom—five adult persons in all—convert four to five pounds of cotton into eight yards of cloth in ten hours; the cloth heavy, rough, and unsightly, very durable, and worth in the neighborhood, when sold, about twenty cents a yard. If the value of the cotton be deducted, the five persons might possibly earn twenty cents a day, the total value of this product being \$1.60. The capital invested in the hand machine can hardly be computed, because the only thing purchased would have been the two hand-card; but if the hand labor expended in the construction of the spinning-wheels and hand looms were computed in money, the whole investment might come to \$100. The proportion of capital used, in its ratio to the annual product would therefore be very small, and the ratio of labor, even at twenty cents a day, be very large. In New England, \$5,000 worth of capital, operated by five persons, male and female, averaging each one dollar per day in wages, will suffice for the conversion of three to five hundred pounds of cotton into eight hundred yards of the same kind of coarse cotton cloth; the cloth softer, more sightly, and not quite as durable; when sold as low as even seven or eight cents a yard, yielding money enough to pay for the cotton and other materials, profit enough to pay ten per cent. on the capital, and yet leaving as a result for the wages of the operatives one dollar a day as their share of the product. Between these two extremes every phase of the progress of a century in the art of cotton-spinning and weaving can even now be observed, in a journey of a week, from Boston to North Carolina and back. The small mill, like that of 1830, fitted with old, heavy, slow-moving machinery, still exists, in which twice or thrice as many Southern operatives, working thirteen hours a day, at two-thirds the rate

of earnings made in Lowell, get off a less product of cloth at a far higher cost. As we journey back toward the North, the mill becomes larger and more effective, until we arrive at the great factories in New England, where the highest wages are paid and the lowest cost of production is assured. The same or even greater extremes may be found by comparing India and China with England; while the cotton-mills of England, when compared with the factories of Germany and Italy, although the machinery may have been made by the same makers, yet show the same rule—a larger number of persons, less effective work, lower rates of wages, and higher cost, as we go away from England to Germany, to Austria and Italy.

THE TRUE THEORY OF WAGES AND PROFITS.

It would, therefore, appear that wages are a remainder over from the sale of the product, and are determined by the sum of money which that product will bring in the markets of the world. From this sum of money must be assigned :

First. — A portion or sum sufficient to restore the depreciation of the capital used, — in other words, to keep the machinery in effective condition.

Second. — A sum equal to the average rate of profit on capital invested in the very safest securities, and, in addition to that rate, as much more as is necessary to compensate the owner for the greater risk of one branch of work as compared with another.

Third. — The cost of the materials.

Fourth. — The sum needed to secure the very best administration.

Fifth. — The proportion of the national, State, and municipal taxes which are collected from the consumers of the goods through the instrumentality of the person, firm, or corporation owning the property; which taxes enter into the money-cost of the product, and must be recovered from the sales.

Lastly. — The remainder over constitutes the wages or earnings of the laborer, whatever that remainder may be.

Profits, taxes, and wages are therefore alike derived from the sale of the joint product of capital and labor.

Unless one branch of industry yields the average of all branches, due regard being given to the greater or less risk of each as compared with the other, it will not be undertaken; or, if undertaken,

it will not long continue to be pursued. Wages, therefore, are apparently deferred to profits; but, on the other hand, wages constitute *all that there is left*, and under the inexorable law of competition of capital with capital, the profits of capital are constantly tending to a minimum, while the rate and purchasing power of wages are both constantly tending to a maximum. Capital is always ready to take the risk and to become the guaranty or insurance fund for the recovery from sales of goods of higher and higher wages for any kind of skilled labor which is capable of increasing the product of any given quantity of machinery. From the sale of this increased product, in the first instance, capital gains. More of the same machinery is then added, and, as it becomes greater in quantity and more effective in use, the rate of profits diminishes, although the aggregate may increase; in other words, capital secures a less and less proportion of the constantly increasing result, while labor receives all that there is left over. That is, the remainder over is constantly becoming a larger and larger proportion of an increasing product. There are, of course, temporary fluctuations; but both observation and experience combined with statistics, confirm this rule, both in this country and in England. In other words, the rule laid down by Bastiat is sustained by experience; the aggregate profit of capital is augmented, but the relative profit is diminished, while the wage of labor is increased both absolutely and relatively.

I had been engaged in this examination and compilation before I even knew that Mr. Robert Giffen was engaged in the same work. His results and my own, covering a period of fifty years, are identical.

THE ADVANTAGES OF THE UNITED STATES.

Having thus attempted to answer the general question, What makes the general rate of wages? now let us give a few moments to the particular question, What makes the rate of wages higher in this than in any other country? In order to give an intelligent reply to this question, we must treat the annual product of the United States as a whole, and consider only the general rate of wages in this country. In some particular branches of manufacture, or in some hereditary or national arts, other nations may still apply machinery more effectively than we do; and in some special branches of agriculture, such as wine, olives, sugar, and the like,

other countries may either possess better conditions, or for the time being, greater skill. On the whole, however, the people of the United States are in the possession of more ample and varied natural resources, and of the most effective capital in the form of machinery; they are also endowed with greater facility in the adaptation of machinery both to agriculture and to manufacturing; they possess more effective mechanical instrumentalities of distribution by rail and river; they enjoy a continental system of unrestricted commerce between the States; They have a fairly complete system of common education; but lastly, they are subjected to the least diversion of any part of their annual product to purposes of *destructive taxation*, — that is, to the support either of standing armies or of privileged classes. I do not recite our advantages in a boastful way, but in order merely to bring out the salient point, that *while other nations prepare for war, we prepare for work*.

Our only great war has been fought in the interest of labor, in order that labor might be free. It gave such an incentive to invention in the North that all our principal crops increased during this period even though a million men were taken away from their work. It opened the way for the Southern States to such conditions that the South itself is today richer and more prosperous than in the palmiest days of slavery. Our national debt, in 1866, was \$83 per head of population. It is now but \$25 per head, and will soon be wholly paid.

When two simple principles shall have become a part of the common knowledge of the people of the United States, the end of all standing armies in the civilized nations of the world will have come.

These two principles are :—

First.—All nations are interdependent, and in all commerce both parties gain in welfare.

Second.—In all arts which are not mere handicrafts, high wages in money are the necessary result of low cost of labor of production.

In the grand competition for the commerce of the world, which now turns on a cent a bushel, a quarter of a cent a yard, or a fraction of a penny on a pound of iron or steel, no nation which bears the burden of standing armies like those of Germany, France, Italy, Austria, and Russia, can hope to enter into successful com-

petition with England or the United States, when the whole English-speaking people take advantage of their position and serve the nations of the world with goods at low cost, in which all who have joined in the work have made higher wages than can be earned in any of the countries named. The commerce of the army-burthened nations, with others, will be destroyed by its own restrictions. Nations can only be ruined by their own burdens;—then what may come? Their own resources will not suffice to sustain their armies, but with the burden of their armies upon them, they cannot engage in competition with England or America; their product will be small and insufficient; their wages very low in their rate, barely capable of buying enough to sustain life,—if even for that,—while their cost of production, as a whole, must be very high.

It is difficult to foresee the course of events. These armies are as impossible to be disarmed as they are incapable of being sustained, without revolution and destructive war. What will be the end, no man can tell!

In contrast with these adverse and costly conditions, the English-speaking people may well rejoice in the relative freedom of Great Britain and the absolute freedom of the United States. With respect to my own country, I may venture to say, that in addition to the advantages I have recited, our taxes are, on the whole, constructively expended. The necessary result ensuing from our conditions is a larger annual product in ratio to the number of persons employed in making it, measured either by quantity, or, when brought into competition with the world, by price or the sum of money which is received for it, than can be elsewhere attained. It is also, as a rule, of better quality, because of the more intelligent methods applied to its production. If we consider production as a whole, our annual product comes into competition for sale, with other products of the world of like kind, and its price, as a whole, is determined, directly, or indirectly, by this world-wide competition. From this determination of its price, its value is converted into terms of money. Quantity and quality alike tend to increase the sum of money recovered from the sale, and this sum of money is the sum which is to be divided between capital and labor. Large, general profits and high general rates of wages, are the necessary result.

It is therefore proved to have been absolutely true in this

country, that, in proportion to the increase of capital, the absolute share of the value of the annual product falling to capital has been augmented, but its relative share has been diminished; while, on the other hand, the share that has fallen to labor has been increased, both absolutely and relatively. The generally high rate of wages, expressed in terms of money, in the United States, is the necessary consequence or result of the generally low labor cost of production, — that is, of the smaller quantity of labor by which the production is assured; which less quantity of labor suffices because of the application of the most effective machinery, *i. e.*, of capital, to the work.

Let me give two or three salient examples proving this rule. Man does not live by bread alone; but bread is the staff of life. What people gain their bread with so little exertion of human labor as the people of this country? If we convert the work done in the direction of machinery upon the great bonanza farms of far Dakota, into the yearly work of a given number of men, we find that the equivalent in a fair season, on the best farms, of one man's work for three hundred working days in one year is 5,500 bushels of wheat. Setting aside an ample quantity for seed, this wheat can be moved to Minneapolis, where it is converted into 1,000 barrels of flour, and the flour is moved to the city of New York. By similar processes of conversion of the work of milling and barreling into the labor of one man for a year, we find that the work of milling and putting into barrels 1,000 barrels of flour is the equivalent of a man's work for one year. By a computation based upon the trains moving on the New York Central Railroad, and the number of men engaged in the work, we find that 120 tons, the mean between 4,500 bushels of wheat and 1,000 barrels of flour, can be moved 1,700 to 2,000 miles under the direction of one man working eighteen months, equal to one and a half men working one year. When this wheat reaches New York city, and comes into possession of a great baker, who has established the manufacture of bread on a large scale, and who sells the best of bread to the working people of New York at the lowest possible price, we find that 1,000 barrels of flour can be converted into bread and sold over the counter by the work of three persons for one year. Let us add to the six and a half men already named, the work of another man six months, or half a man one year, to keep the machinery in repair, and our modern miracle is that seven men

suffice to give 1,000 persons all the bread they customarily consume in a year. If to these we add three for the work of providing fuel and other materials to the railroad and to the baker, our final result is that ten men working one year serve bread to one thousand.

Again, iron lies at the foundation of all the arts. At an average of 200 pounds per head in the United States, the largest consumption of iron of any nation, we yet find that the equivalent of one man's work for one year, divided between the coal mine, the iron mine, and the iron furnace, suffices for the supply of 500 persons. One operator in the cotton factory makes cloth for 250, in the woolen factory for 300; one modern cobbler (who is any thing but a cobbler), working in a boot and shoe factory, furnishes 1,000 men, or more than 1,000 women, with all the boots and shoes they require in a year. So it goes on; and the more effective the capital, the higher the wages, the lower the cost, the more ample the supply.

NATURAL LAWS AND INTERFERENCE THEREWITH.

But in the consideration of this or any other theory of wages, it must always be remembered that these natural laws which govern the actions of men in the conduct of the processes of industry, work very slowly, and are subject to variable causes or interruptions which may suspend, retard, or even reverse their normal action for a considerable period. For instance, the process of making iron, beginning with the mining of the coal and of the ore and ending with the conversion of the materials in the furnace, calls for the use of a very large capital, and for the highest scientific attainments in the heads of departments, and in the administration of the work. It also requires special skill on the part of a small portion of the workmen, but the larger part of the work is not of the kind that calls for any great measure of intelligence, and is, in fact, mainly hand-work. It might therefore happen that the country which first engaged in this branch of industry on a large scale would obtain a paramount control of all markets, and might be able, for a long period, to prevent the building up of competitive works elsewhere. In fact, so long as the only fuel with which iron was smelted was charcoal, the colonies of America were able to supply themselves, and even to export large quantities of iron to Great Britain. But when a method was invented for

the application of coal to the smelting of iron, the supremacy of Great Britain in this art was assured for a long period. A dense population gathered round her mines, skilful enough for this work, but otherwise unintelligent, uninstructed, and irremovable, or practically incapable of meeting the conditions necessary for beginning this work in other countries. Under such conditions as these, the British employers of labor in making iron were in a position which enabled them to keep wages down, and to keep prices and profits up for a long period, as in fact they did. Under such relative conditions the competition with all other countries, especially a country like the United States where population was very sparse and capital was very limited, was of necessity long delayed, even though our deposits of iron and coal are so placed as to be more easily worked. And even though a ton of iron made in the United States now represents a much less quantity or less number of days' labor than a ton of iron produced in Great Britain, it was not always so. It therefore became a mere question of expediency whether or not to interpose a temporary protective duty in order to overcome certain artificial conditions. It was held that a country should render itself substantially independent of all other countries in the making of iron, because iron is one of the essential articles of war. These arguments were entitled to all the consideration which they may deserve. No opinion need here be expressed upon them.

The same retardation in the working of natural laws also occurred in respect to the inventions of Arkwright and others in cotton-spinning. England succeeded for a long time in retaining control of these inventions, which were of prime importance, by making it a penal offence to carry drawings or models to any other country. By this joint control of the processes of making iron and the application of machinery to the cotton manufacture, England obtained the supreme control for a time of this latter art, and fairly succeeded in preventing these modes of work from being carried to this or any other country for very many years. The cotton manufacture was not established in this country until Samuel Slater succeeded in building machinery from memory, having been unable to bring plans from England. Of course such an undertaking was at a great disadvantage. In this case, again, the main question as to the development of textile establishments by means of a protective duty became one of expediency

only. The expediency of these protective duties was sustained upon the ground that although the people were for the time subjected to the necessity of paying higher prices for their iron and for their textile fabrics then they would otherwise have paid, an ultimate reduction of cost and of price to a much lower plane was thereby assured, and has doubtless been accomplished.

These two examples are cited in order to show that this theory of wages does not of necessity carry with it the *laissez faire* idea of legislation. It is not denied that special branches of industry may be promoted by legislation of this sort. It is not denied that wages in that special branch may be temporarily raised, because by means of the obstruction to foreign import which the duty interposes, the price of the domestic fabric is for a time maintained at a higher point than it would otherwise be; and since the sum from which wages and profits are alike derived is the value of the joint product, it follows that, in these particular arts, so long as the protective duty serves to keep up the price, there may be more money to be divided in rates of wages to the operatives who do this special work.

But, it will be observed that such additional profit or additional wage is at the cost of the consumer in the same country, and that there can be no material effect upon the general rate of wages because the number of persons now engaged in any branch of industry which could be subjected to foreign competition is very small in ratio to the whole number of persons engaged in gainful occupation. Such duties may be expedient or not. That is not the question at issue in this treatise. I cite these cases in order that the true theory of wages may not be prejudiced in the mind of any one by any apparent antagonism to the protective theory, which may be justified on entirely independent grounds.

In my judgment the source of wages and the law by which they are determined fail to be comprehended, both by the advocates of protection and free trade, and this failure leads to much useless and bitter contention. If the honest advocate of protection were once convinced that, when an industry had become fairly established, the rate of wages determines itself according to the general average of wages in other work of analogous kind, and that the wages thereafter tend to the share of the laborer becoming greater and greater, he would be less averse to considering the date when the protective duty could either be reduced or removed.

No one but the most confirmed *doctrinaire* can deny that the argument in respect to wages and to their maintenance which is presented on behalf of a protective tariff, is conscientiously presented in the interest of labor on behalf of those who adhere to it.

On the other hand, if the equally sincere advocate of free trade could once be convinced that the continued imposition of the duty does not of necessity involve the continued taxation of the many for the benefit of a few; if he could admit that it might even be expedient, under certain circumstances, for the State to grant a special privilege to some special branch of work for a certain period of time, much foolish talk, bitter contention, and absurd misrepresentation would be avoided.

The tariff question, the protection of women and children in factories from overwork or from injury, and other like subjects of legislation, are questions of expediency, varying with the time and circumstances of each country. They are not like slavery or inconvertible paper money, moral questions, upon which no compromise can be tolerated; but, on the contrary, they are subjects for reasonable consideration and for reasonable compromise among honest and fair minded men. When the whole direction of domestic industry has been in some measure altered by the continued imposition of high duties upon foreign imports which were the necessity of war, nothing could be more injudicious than to adopt revolutionary changes. It may have been bad policy to impose the high duties, but it does not follow that it would be good policy to remove them all at once, or that he is a spoliator who asks time to adjust his capital and the labor which he employs to other conditions.

GENERAL CONSIDERATIONS.

I have recited the various changes which have affected a single textile art. Periods of prosperity and adversity affect all commercial and manufacturing countries alike. They are more intense in one country than another; sometimes more intense in a country which, like Great Britain, depends upon the widest foreign commerce, sometimes in a country which, like the United States, depends mainly upon domestic commerce. Statutes in regard to the collection of revenue, the hours of labor, and the like, may make these fluctuations a little more, perhaps a little less intense, but in the long run they have and can have no permanent effect. Com-

petition adjusts itself to all conditions, and, in the long run, wages or earnings will be the highest in that country in which capital and labor coöperate to the fullest extent, thereby assuring the largest production at the lowest labor cost.

The progress of the United States has been uniformly onward, despite all the vacillations and changes in her financial policy. Our greatest dangers and most serious disasters have arisen from bad money rather than from bad methods of taxation. The danger now before us, growing out of the continued coinage of a silver dollar of light weight, is perhaps the most serious one. Next to that comes the danger growing out of the enormous excess of our national revenue; but even this enormous excess of revenue will itself force upon us a change in our method of taxation. In that again comes a danger, because, next to the evil which may be inflicted upon a country by the imposition of heavy taxes, is the evil which may come from an injudicious method in removing them after the industry of the country has adjusted itself to them.

I have endeavored to separate the fundamental principle of wages from all such side issues, and to prove, with as much scientific accuracy as may be possible, that the interests of the employer and the employed are absolutely identical, and that progress and poverty are not of necessity evolved together under the existing customs of the English-speaking people. I have referred to the admirable address of Mr. Robert Giffen, proving a similar progress to that of this country in Great Britain, and from similar data. I had not read that treatise until after the substance of this essay had been compiled.

Let me refer finally, and but a moment, to one great cause of disturbance in the relations of men to each other. The inventor, the man of science, is the great disturber of existing conditions. He renders worthless great masses of capital which had been valuable; he takes away the hereditary occupation of vast numbers of laborers who may be capable of doing no other kind of work. In the process of adjustment to these new conditions many hardships arise, but the end is progress, both in wealth and in the alleviation of poverty. The only accumulation which has any permanent value consists in that experience and versatility, in that habit and capacity of applying brain and hand alike to any kind of work which is waiting to be done, whereby men are enabled to prosper under any and all conditions. The only capital of any im-

portance, which can be transmitted from one generation to another is this power of applying brain and hand together to useful work, whatever may be the changing conditions under which the work of each generation must be done.

Poverty may for a time ensue, as the consequence of invention and the consequent displacement of labor; but it will be observed that this poverty does not ensue either from the accumulation of capital or from the private ownership of land, so much as it does from the destruction of capital and in taking away the value from land.

The jenny and the mule destroyed the spinning-wheel; the power-loom destroyed the hand-loom; the railroad is destroying the canal; the railroad is reducing the value of land in one place and increasing it in another. The discovery of coal oil would have destroyed the candle market, were it not that a demand for the altars of the Catholics continued to sustain a few candle works. The gas engine is destroying the small stationary steam-engine in England, and will soon do so here. Sir Henry Bessemer has taken from the English land-owner all power to collect any rent from land devoted to wheat. With each of these changes the few suffer for a time, but the many gain in welfare. With each of these changes the proportion of capital necessary to a given production is decreased; great fortunes are lost, unless the owners of such fortunes can adapt their machinery to all the changing conditions; but while some fortunes are thus destroyed, others are gained. At the present time, or we may say for the last three years, half the iron works in the United States have been out of blast, and many will never come into blast again; but during the same three years the production and consumption of iron has been greater than in any other three years since the continent was settled. True prosperity may be gauged by the consumption of iron in all the arts of life, about as surely as by any statistical method. The loss of fortune to a few producers of iron is of no consequence except to themselves, if more iron be provided for consumption. Most of these changes come gradually; some of them come suddenly. What are called hard times, induce the greatest progress. The great crops in this country increased every year during the war, such was the incentive to invention, which became almost compulsory in consequence of the withdrawal of a million men from productive industry.

I have compared the cotton-mill of 1830 with that of 1883, in the same mill-yard; but there is little left of the factory, either mill or machinery, of 1830; and if there were it would be almost useless. The saving in the cost of moving merchandise over existing railroads, comparing one year with the next preceding, that is, over the railroads existing in each year, has far more than equalled the cost of building all the new railroads constructed in the subsequent year for fifteen years, from 1865 to 1880. In other words, the reduction in the charge on existing railroads each year, computed on the quantity of merchandise moved in that year, has amounted to a sum equal to the sum expended in the extension of railroads in the next year, for each and every year since 1865 to 1880.

We have been treating only a question of material welfare: What makes the rate of wages? One answer at least we may surely give. When head and hand are rightly trained together so that a man can do the work which is always waiting to be done, whatever the rate of wages may be, it will suffice for the purchase of good subsistence. He who combines the greatest skill of head and hand in useful work will make that exact progress in the accumulation of wealth which will be the just measure of the services which he renders to his fellow-men. In the last analysis the rate of wages rests wholly on character and capacity, and under such conditions the advancement of science is but another name for progress in human welfare.

I am well aware that there is nothing original in the statement of the fact that the application of machinery to production has a tendency to increase the wages of the workman, and at the same time increase the purchasing power of the money in which wages are paid. This is a truism, but how seldom is it comprehended! Apparently never, in the ordinary discussions. Neither employer or employé can regulate the rate of wages which is to be paid in money, by any bargain or agreement covering a long period. If one employer agrees to pay a higher rate than his competitors, it will only be a question of time when his business will become unprofitable and he must become bankrupt, unless he uses more effective machinery, and thus assures a larger product from a less number of laborers. If any considerable number of employers secure the work of laborers at a less rate of wages than others in the same kind of occupation, unless there is some compensating

advantage to the workman in their special establishments, the mere fact that the laborer is willing to work at such less rate proves him to be incapable or inefficient, and therefore his work will be of high cost.

CONCLUSIONS.

I have attempted to demonstrate that in all productive employment the rate of wages which can be paid in money must depend on the sum of money which is received from the sale of the product. Inasmuch as those who work for wages in strictly productive occupations constitute by far the largest portion of wage receivers, the rates of wages for personal services, which are only indirectly productive, are gauged by the same standard. All profits and wages must come out of the gross product. Furthermore, all profits, wages, earnings, or other income, must be substantially derived from each year's product, because the year corresponds to the series of seasons in which one crop is made. A part of the product of each year is carried over to start the work of the next year upon; but a part of the product of the present year was brought over from the previous year to start the work of this upon. Therefore the measure of what there is to be divided by the measure of money, must, in the long run, depend upon what each year's product will bring in money. If then, the annual product is large, because the resources are great, because capital is ample, because labor is effective, because the army is but a border police,—then the sum of money derived from the sale will also be large, for the reason that in spite of all natural obstructions between one nation and another, the product of one nation, as a whole, comes directly or indirectly into competition with the product of the world.

If the propositions submitted in this treatise can be sustained—to wit: that wages are a constantly *increasing* remainder over after *lessening* rates of profit have been set aside from an *increasing* product, it follows that the ability of a very productive country to find a market for its excess, especially of farm products, is a most important factor in determining the price of the whole product, and therefore in determining the general or average rate of wages and profits which can be recovered from the sale of the whole. Hence arises the importance of our foreign export of the products of agriculture. Even though the quantity exported be but a tithe of the whole, yet the sale of this part

determines the price of the whole, and it therefore becomes a prime factor in the the general rate of wages.

If this latter statement be questioned, it will only need a moment's consideration to determine it. If the surplus or over-production for domestic use, of our oil, grain, cotton, meat, cheese, butter, lard, etc., could not be sold in or exchanged for the products of other countries, what should we do with it? We could not now consume it ourselves; we could not move people from other countries here in sufficient number to consume it in any one year. We cannot establish manufactures more rapidly because goods are already in excess. We must exchange our excess for tea, coffee, sugar, hides, wool, and the like, and in the process of this exchange the price of all our crops is determined by what this excess will bring; the remainder over from these sales establishes the standard of farm wages, by, or in comparison with which, all other wages are in the main determined. Hence the average rate of domestic wages rests in a very great degree, under our present conditions, on our finding a foreign market for the excess of our products of agriculture; if this market is limited or reduced, the purchasing power of our farmers, numbering one-half our population, is reduced, and this reacts on the demand for domestic manufactures. Thus it is, that directly or indirectly the value of our total production is determined by a world-wide competition. What would be the effect of the competition of the laborers who now engage in the production of that which we export if they were forced into other work for domestic use only?

May it not therefore be said that all commerce, both domestic and foreign, is a process of liquidation, by means of which the respective shares of capital and labor are determined, each becoming a larger share of a larger sum recovered from such sales, the wider the exchange of product for product, and the greater the service which each renders the other, whether capitalist or laborer?

Finally, the rate of wages, measured in terms of money, can only be determined by dividing this remainder over, after capital has received its compensation, among the laborers who do the work; the respective share of each laborer is then rated only by his or her individual skill, industry, and integrity. In the end character and capacity determine the relative rates of wages of those who do the work.

I may conclude by again referring to the proposition of Frederick Bastiat, which is the motto of this essay: All interests are harmonious. "In proportion to the increase of capital the absolute share (of the product) falling to capital is augmented, but the relative share is diminished, while the share of the laborer is increased both absolutely and relatively."

[Our space permits us only to give a small part of the appendices which will be found in Mr. Atkinson's volume. The following is the beginning and the conclusion of Appendix I., all the details by which the deductions are reached being omitted.]

APPENDIX I.

This appendix will be very uninteresting except to students. A summary of its contents may, therefore, be given for the benefit of readers, who do not care to go over its dry details, as follows:

Approximate estimate of the value of annual product of the census year		\$10,000,000,000
Domestic farm consumption		1,000,000,000
Commercial product		\$9,000,000,000
Estimated profits of capitalists	\$450,000,000	
Estimated savings of other classes	453,000,000	900,000,000
Wages fund		\$8,100,000,000
Number of persons engaged in all gainful occupations in round figures	17,403,000	
Deduct soldiers, marines, and persons engaged in subordinate positions in the government service	100,000	
Remainder	17,300,000	
Administrative force, i. e., mental rather than manual work		1,100,000
Working force, i. e., wage-earners or small farmers		16,200,000
Average remuneration of the administrative force, per year		\$1,000
Average wages or earnings of the working force, per year		\$432
Gross amount of national, State, and municipal taxes in census year, over		\$700,000,000
or eight per cent. of the commercial product.		

Each worker is one of a group of 2.93 persons; therefore each average person in a workman's family must find shelter, subsistence, clothing, and pay taxes out of what forty to forty-five cents a day will buy.

Each five cents' worth added to each person's share, or each fifteen cents added to each workman's wages per day, implies, at

the present time (1884) an additional product and sale of commodities worth one thousand million dollars a year, which is about the present value of our wheat product, of our pig-iron product, and of all our textile fabrics of cotton, wool and silk combined.

When the complaint is made that a good subsistence and an adequate shelter can barely be obtained by each three persons upon an average income of only \$400 to \$500 a year, at the retail value of all they consume of their own production, or procured by purchase or exchange for the three, the only remedy which can be provided is to increase the product. If such is the present measure of all there is, then such is the measure of the utmost that all can have. How difficult and how slow such an increase must be, may be comprehended by a very simple statement: Assuming the maximum of \$10,000,000,000 given in this treatise as the value in the census year (or \$11,500,000,000 now), then over \$1,000,000,000 worth of produce must be added in a year, and the prices must be maintained where they are, in order that each person of our present population may have five cents a day more than they now do, or in order that each person engaged in any kind of gainful occupation may be able to obtain an increase in the rate of wages of fifteen cents a day. Upon such small fractions must subsistence depend; and when political leaders present magnificent pictures of national progress, summed up in thousands of millions of wealth or product, these facts may well be recalled.

Even if our progress has been great and our conditions are relatively prosperous compared to other nations, yet the average person, including capitalists, land owners, employers and employed, must have been sustained and sheltered, must have paid taxes and saved profits, out of what fifty cents a day would buy in the census year, *because such was apparently the measure of all there was produced which could be bought and sold or exchanged.*

APPROXIMATE SUMMARY OF INDIVIDUAL INCOME.

Product of the United States, \$10,000,000,000, worth per day to each person by estimate		55 cts.
Domestic production consumed without purchase or sale	: : : :	5
		<hr/> 50 cts.
Share of capitalists	. . . . .	2½ cts.
Savings of the people	. . . . .	2½
National, State and municipal taxes	. . . . .	3½
Cost of mental or administrative work above the average of wages	. . . . .	1½
Average to each wage-earner	. . . . .	40
		<hr/> 50 cts.

For each error of five cents a day in this estimate—if the reader finds one or believes there may be one,—add one thousand and fifty-eight million and four hundred thousand dollars to my gross estimate, and divide the proceeds among the 58,000,000 persons who will probably constitute our population January 1, 1885.

APPENDIX II.

THE LAW OF COMPETITION: IN ANY GIVEN PRODUCT, PROFITS DIMINISH, WAGES INCREASE.

The following deductions have been made from the accounts of two New England cotton factories, both constructed prior to 1830, and operated successfully and profitably since that date, mainly on standard sheetings and shirtings—No. 14 yarn. The figures given, from 1840 to 1883 inclusive, are absolute, being taken from the official accounts of mills, of which the sole product has been a 36-inch standard sheeting. The figures of 1830 are deduced from a comparison of the data of two mills. The figures of 1884 are deduced from nine months' work in 1883–84.

WAGES PER OPERATIVE PER YEAR.

1830	1.64 gold.	_____
1840	1.75 gold.	_____
1850	1.90 gold.	_____
1860	1.97 gold.	_____
1870	2.75 cur.	=====
1870	2.40 gold.	_____
1880	2.59 gold.	_____
1883	2.87 gold.	_____
1884	2.90 gold.	=====

PROFIT PER YARD NECESSARY TO BE SET ASIDE IN ORDER TO PAY 10 PER CENT. ON CAPITAL USED.

1830	2.40c. gold.	_____
1840	1.181 gold.	_____
1850	1.110 gold.	_____
1860	.688 gold.	_____
1870	.760 cur.	=====
1870	.660 gold.	_____
1880	.481 gold.	_____
1883	.434 gold.	_____
1884	.408 gold.	_____

YARDS PER OPERATIVE PER YEAR.

1830	4,321	_____	
1840	9,607	_____	
1850	12,164	_____	
1860	21,760	_____	
1870	19,283	_____	
1880	28,000	_____	
1883	26,641	_____	} Changes in the machinery affected production.
1884	28,032	_____	

COST OF LABOR PER YARD.

1830	1.900 gold.	_____
1840	1.832 gold.	_____
1850	1.556 gold.	_____
1860	.906 gold.	_____
1870	1.425 cur.	_____
1870	1.240 gold.	_____
1880	.930 gold.	_____
1883	1.180 gold.	_____
1884	1.070 gold.	_____

COMPARISON OF 1840 WITH 1883-4.

This comparison will not show the full reduction in the cost of labor per yard which may be expected in 1884-5, because changes have been in progress, which, when completed, will increase the capacity of the mill about 15 per cent., and it is a well-understood rule that, while such changes are being made, the current work of production is done at a disadvantage.

1840-1884.

I.—Capital . . .	1840	\$600,000	_____	{ Same.
	1883	\$600,000	_____	
II.—Fixed capital .	1840	\$310,000	_____	{ Same.
	1883	\$310,000	_____	
III.—Active capital.	1840	\$290,000	_____	{ Same.
	1883	\$290,000	_____	
IV.—Spindles . . .	1840	12,500	_____	{ Increase, 146 per cent.
	1883	30,824	_____	
V.—Looms . . .	1840	425	_____	{ Increase, 135 per cent.
	1883	1,000	_____	
VI.—Fixed capital per spindle . .	1840	\$23.20	_____	{ Decrease, 57 per cent.
	1883	\$10.06	_____	
VII.—No. of opera- tives emp. . .	1840	530	_____	{ Same.
	1883	527	_____	

VIII.—Operatives per 1,000 spindles	1840	42 4-10	Decrease,
	1883	17 20-100	60 per cent.
IX.—Lbs. per spindle per day	1840	0.456	Increase,
	1883	0.556	22 per cent.
X.—Lbs. per operative per day	1840	10 76-100	Increase,
	1883	31 20-100	190 per cent.
XI.—Hours' work per day	1840	+13	Decrease,
	1883	11	15 per cent.
XII.—Lbs. per operative per hour	1840	0.83	Increase,
	1883	2.83	240 per cent.
XIII.—Wages per operative pr. y'r	1840	\$1.75	Increase,
	1883	\$2.87	64 per cent.
XIV.—Wages per operative pr. h'r	1840	4.49 cts.	Increase,
	1883	8.80 cts.	96 per cent.
XV.—Wages per y'd	1840	1.82 cts.	Decrease,
	1883	1.06 cts.	41 per cent.
XVI.—Profit per yard 10 per ct. on capital	1840	1.18 cts.	Decrease,
	1883	0.43 cts.	63 per cent.
XVII.—Price of goods, cost cotton same	1840	9.04 cts.	Decrease,
	1883	7.04 cts.	22 per cent.

COMPARISON OF 1830 WITH 1884.

In this comparison the statements are based in part upon the figures of each mill. Both appear to have cost about \$40 per spindle, including dwellings for operatives. More than one kind of goods were made in each for a time, but the figures have been adjusted to standard sheetings, an average having been computed by the yard and pound.

Fixed capital	1830	\$332,000	Decrease,
	1884	\$310,000	37 per cent.
Spindles	1830	8,192	Increase,
	1884	30,824	276 per cent.
Fixed capital per spindle	1830	\$40.50	Decrease,
	1884	\$10.07	75 per cent.
Operatives per 1,000 spindles	1830	49	Decrease,
	1884	17 2-10	64 per cent.
Pounds per operative per day	1830	9.04	Increase,
	1884	31.22	214 per ct.
The hours of labor in most of the factories in 1830 were 14 per day.			
Wages per operative per y'r	1830	\$164	Increase,
	1884	\$290	77 per cent.
The wages per hour in 1884 are more than double those of 1830.			
Wages per yard	1830	1.90 cts.	Decrease,
	1884	1.07 cts.	44 per cent.
Profit per yard at 10 per cent. on capital	1830	2.40 cts.	Decrease,
	1884	.41 cts.	83 per cent.

In the mountain section of the southern United States the people are still clad in homespun fabrics. Five women—two carders, two spinsters, and one weaver—can produce eight yards per day.

Product of 5 persons 1 year in 2,400
North Carolina yds. —

Product of 5 persons in New 140,000
England . . . yds. —

Wages in New England at 1
08-100 cts. per
yard . . . \$287.00 —

Wages as they would be in N. Carolina at 1
08-100 cts. per
yard . . . \$5.19 —

Cost per yard in New England
at \$287 per year
each operative 1.08c. —

Cost in N'th Carolina at \$287
per year each
operative . . 58.49c. —

The rule of diminishing rates of profit and increasing rate of wages, of necessity ensuing from the progress of invention, is fully sustained by these tables. As the capital is increased both in its quantity and in its effectiveness, the absolute share of product falling to capital is increased, but the relative share is diminished. On the other hand, the share of the laborer is increased, both absolutely and relatively. Labor takes of necessity a constantly increasing proportion of an increasing product. In this example, the wages of the operatives have increased, since 1840, 64 per cent. per day and 96 per cent. per hour; since 1880, 77 per cent. per day and + 100 per cent. per hour. High wages in money have ensued as the necessary result of the low cost of labor.

It will be observed that in 1840, the price of standard sheetings being 9 cents a yard, it required 1.18 cents to be set aside for profits, or 13 per cent. of the price, in order to pay 10 per cent. upon the capital. Next it required 1.83 cents to be set aside, being 20 per cent. of the whole price, to pay wages at the average rate of only \$175 a year to each operative. In 1884, the price being 7 cents a yard, it required less than 6 per cent. of the gross sales, 0 40 cent a yard, to be set aside in order to pay 10 per cent. upon the capital; while 1.07 cents being set aside for the share of labor, or a fraction over 15

per cent. of the gross sales, yielded to the operative \$290 in gold. The goods cannot now be sold at 7 cents, and there is little or no profit for the time being. But while 10 per cent. was a moderate rate of profit in 1840 it is an excessive rate in 1884. The business would extend with great rapidity if there were a positive assurance of 6 per cent. upon the capital, or a quarter of a cent a yard and less than $4\frac{1}{2}$ per cent. of the gross amount of sales.

But it may be said, having assigned 0.40 cent to profits, and 1.07 cents to labor out of 7 cents a yard gross value, there remain 5.53 cents a yard to be accounted for. This of course represents the money cost of cotton, fuel, starch, oil, supplies, taxes, cost of administration, transportation of the goods to market, and the cost of selling them at wholesale.

Does this all go to labor, or is there also a profit to be set aside on these elements?

Our space would not suffice to treat each of these subjects, but it may be said: First, the cotton is substantially all labor; there is no large margin of profit at the present time in raising cotton, which is mostly produced by small farmers. Second, the other items, constituting the materials, form a very small part of the total cost, and are subjected to profits in small measure only in respect to fuel and oil.

The cost of transportation yields to the railroads less than an average of 5 per cent. on the capital invested, and cotton fabrics pay but a small fraction of their value even for very long distances. The cost of administration constitutes a very small part of the cost of the goods, and in a general treatise on wages belongs in a class by itself rather than to be considered as profits. The charge for selling staple plain cotton goods at wholesale does not exceed 1 per cent. to $1\frac{1}{2}$ per cent., and a large part of this is distributed among the clerks and salesmen who do the work.

If the subject is analyzed, first, as a whole, and, second, in each department, it will appear that at the present time the proportion of profit which can be set aside from the sale of coarse cotton goods, sufficient to cover profits in all the various departments of the work, is less than 10 per cent. of the wholesale market value of the product, and 90 per cent. is the absolute share of the laborers who do the work both in respect to materials used and to the finished product.

It is also necessary to remember, in respect to the cotton factory, that the value or proportion of capital to a given product is greater than in almost any other branch of industry; the proportion of capital to product being \$1 of capital to each \$1 or \$1.50 of product, according to the weight of the fabric and the quantity of cotton used. In the boot and shoe factory, on the other hand, the ratio of capital to product is about \$1 to \$3; therefore in the boot and shoe business a much less proportion of the gross sales needs to be set aside as profit on the business, to induce its being established.

On the whole, as far as the manufactures of New England are concerned, the average of capital to the gross value of the products is one dollar capital to two dollars product; therefore three per cent. of the gross sales set aside as profit will yield six per cent. per annum upon the capital invested in the buildings and machinery which are applied to the conversion of raw or half manufactured material into finished forms ready for final consumption.

The foregoing charts have been prepared on the basis of tables giving the actual facts in respect to the machinery, the product, and the wages of two successful cotton-mills, manufacturing what are known as standard sheetings, in New England. Technically these goods are known as 36-inch sheetings, No. 14's. In point of fact, the number of the yarn is a little coarser. The data have been combined so as to cover the entire period from 1830 to the present date, a part of them having been furnished from one mill and a part from the other. I have in my possession the accounts of many other cotton factories, and the statistics of the wages, covering a great variety of fabrics, during the last fifty years; but I have carefully chosen the data of two factories which have been uniformly successful, in which the capital stock has never been reduced, and of which the product has, to a large extent, been sold for export. This selection has been made in order that the data might not be effected in any measure beyond that of other occupations than cotton-spinning, by the many changes in the tariff which have been made since 1830.

In the main treatise to which this is an appendix, I have attempted to sustain the proposition that the rate of wages cannot be taken as a standard for determining the cost of production, even in money; but, on the contrary that wages are a remainder over, or result of production, recovered from the sale of the goods, and subject to the prior claim for payment of the cost of materials and the profits of capital.

Wages will vary in rate in the same country, at different periods, in the same place; at the same period in different places; in different countries at the same time,—being determined by the distance of the factory from the source of the materials, by the intelligence and skill of the people who do the work, by the incidence of taxation, (the laws of different States varying on this point) and by many other elements which enter into the problem. On the other hand, although wages are deferred to profits, and are a remainder over, subject to deduction of profits from the sales, yet the competition of capital with capital not only always tends to a minimum of profit, but also to an increase of the product in ratio to the amount and effectiveness of the capital. Hence, while profits tend to a minimum, wages tend to a maximum. It therefore follows that, under these conditions, wages constitute an increasing proportion of an increasing product, provided markets can be

found to take the increase without a reduction in price corresponding to the reduction in the labor which constitutes the true cost. In point of fact, very few nations have learned to apply machinery to the arts of life,—a larger portion of the population of the world is clad in homespun than in machine-made or factory-made fabrics. I have lately read a notice of a recent report, made in Manchester, to the effect that nearly 1,000,000,000 persons, out of a computed total of 1,400,000,000, may be considered as non-machine using nations, clad in hand-made fabrics, so far as they are clothed at all. In the United States, machinery is applied, on the whole, more effectively than anywhere else. Hence, although prices have diminished, they have not diminished as fast as the labor cost of production has been reduced. Consequently, wages have not only risen in rate, but also in purchasing power. All of this is proved by the figures of the charts which have been given above.

Between the two extreme dates which I have covered in the chart, 1830 and 1884, the cost in money for manufacturing a coarse cotton fabric has been reduced more than one-half. In the same period, the rate of profit on each dollar invested, which sufficed to induce the construction of the factory, has also been reduced one-half. In the same period, each unit of the machinery itself has become so much more effective, that one operative will perform three and a-half times the work in eleven hours that one operative could perform, from 1830 to 1840, in thirteen hours. Thus it has happened that, while capital may now be satisfied with one quarter part as much money derived from the sale of the product as it formerly secured, wages have doubled per day, and more than doubled per hour, in the period named. From 1830 to 1840 inclusive, it was necessary to take fourteen per cent. from the gross sales of goods in order to pay ten per cent. on the capital of the factory. From 1880 to 1884 inclusive, six per cent. of the gross sales would suffice to pay ten per cent. upon the capital, while six per cent. profit would now be nearly a normal rate.

In these charts I have treated the art of spinning and weaving cotton by machinery, upon what are called the self-acting mules, spinning-frames, and power-looms. We may contrast the conditions of the same art, at the present time, in different parts of this country. In the heart of this country, upon the hillsides and in the valleys of the great Allegheny region, in Virginia, in Ken-

tucky, in Tennessee, and in the Carolinas, there is a population of two millions or more of people, who are even to this day chiefly clad in homespun fabrics, of which the yarn is spun upon the hand spinning-wheel, and woven upon the hand-loom. These people have been kept in isolation by the surrounding pall of slavery, until a very recent period. Their country is now being opened by railroads, and the art of making homespun fabrics will soon be a lost art among them. The capacity of five of these persons—to wit, two carders, two spinsters, and one weaver, in a day of eleven hours, is eight yards of coarse fabric, heavier, but of more open texture, and therefore more quickly woven by machinery, than the standard sheeting. Five operatives in a modern factory would spin and weave one hundred fold as much, or eight hundred yards a day. But we will limit the comparison to the actual product of standard sheetings, and we will assume that the home spinners could make eight yards of standard sheeting in a day. This would give them 2,400 yards as the product of a year, against 140,000 yards in the northern factory. The cost of spinning and weaving the standard sheeting in the northern factory in 1883 was 1.08 cents per yard. If the southern operatives were obliged to sell their product in the open market at the same rate of wages—that is, at the wages which could be derived from 1.08 per yard, the total earnings of the five in one year would be \$25.92, or a trifle over \$5.00 each. If they were content with the profit on each yard which yields to the northern capitalist ten per cent. a year, it would be .43 of a cent a yard, or upon 2,400 yards \$10.32. The total wages and profits of the five southern operatives, working by hand for one year, at the standard of cost and profit of the northern cotton-mill would therefore amount to \$36.24. On the other hand, in order that the earnings and profits of the southern operatives should be equal to those of the northern operatives and owners of the factories, it would be necessary that the homespun fabric should sell in the open market at about ninety cents a yard. It therefore follows that the high wages of the northern operatives are the result of the low cost of production, and that if the southern people now engaged in the art of homespun work can find other work to do, in dealing with the abundance of timber, in saving the wild fruits, in agriculture, or in the many other branches of work which their climate and soil open to them, but which are not open to the inhabitants of

the Northern States, they will save both time and labor by an exchange of product, and by becoming inter-dependent, rather than by remaining isolated and independent. And this is what is now occurring. As soon as the incubus of slavery was removed and an exchange of products between the two sections of the country fairly began, each found that it could serve the other, and that slave-grown cotton was no longer king.

IV. INDUSTRIAL EDUCATION.

BY FRANCIS A. WALKER, President of the Massachusetts Institute of Technology.

(Read September 9, 1884.)

In the active discussion now in progress concerning Industrial Education, that term is used in such widely different senses as to require that a paper treating of this theme should begin with a definition. With a view to this, I offer the following classification of the schools which undertake what is by one person or another understood to be industrial education.

First, we have the schools of applied science and technology, whose purpose it is to train the engineer, the architect, the geologist, the chemist, the metallurgist, for the work of their several professions. These schools do not aim to educate the men who are to do the manual work of modern industry. In the main, they do not even aim to educate the men who are to oversee and direct the work of others — the men, that is, who are to act as superintendents of labor. It is the function of the schools of this class to train those who shall investigate the material resources of the country, and shall project operations for the development of such resources, to be carried on by bodies of labor and of capital under the direction, in the main, of persons who have received their education and training in schools of a different order, or through practical experience in the field, the shop and the mine.

The distinction here rudely outlined between the person who investigates the material resources of the country, in any direction, and organizes industrial enterprises for the exploitation of those resources, and the person who superintends and directs the labor employed in such enterprises, is not, indeed, strictly maintained; but it exists in a general way, although a tendency to employ, in increasing degree, civil, mechanical and mining engineers, chemists and metallurgists in administrative and executive capacities, has been observed during the past few years.

The expediency of establishing schools of the class herein indicated, is no longer a matter of debate. The general government, and many, if not all, of the State governments have recognized the importance of thus providing for the scientific development of our industries; and the large and increasing measure of reputation

and financial success enjoyed by the Troy School of Civil Engineering, the Hoboken School of Mechanical Engineering, the Sheffield School of Civil and Mechanical Engineering, the Columbia School of Mining Engineering, the Boston Institute of Technology, with its departments of civil, mechanical and mining engineering, the Worcester Free Institute of Industrial Science, the Chandler Scientific School and the Thayer Engineering School, both of Dartmouth College, with a score of other institutions, all deserving to be named were this the immediate subject of our paper, show that the value of such institutions has passed beyond challenge or cavil.

A second, and widely different class of institutions is found in the so-called trade schools. The purpose of schools of this class is to train the actual workers in industry, and to train them; moreover, for what it is presumed will be their own individual occupations in life. In the main, these schools do not aim to train the overseers and superintendents of labor, but the individual operatives. And, in general, the work of these schools assumes that the particular avocation for life of the children who enter them is already reasonably well determined.

The efforts at Industrial Education in the States of Europe have commonly taken this form. The trade schools of Switzerland, of Holland and of France, are schools in which young people are taught defined trades, generally such as are pursued in the immediate region where the schools are established. Thus, certain trade schools in Switzerland have reference to the great watch-making industry of that country, and have it for their object to train pupils who, it is assumed, will, by almost an industrial necessity, become watchmakers.

The third class of schools, and that to which the present paper will be confined, comprises those into which manual and mechanical instruction and training are introduced in greater or less degree; not, on the one hand, to make engineers, not, on the other hand, for the purpose of training the pupil to become an operative in any particular branch of industry which it is presumed he will enter; but as a part of the general education of the scholar, with reference to the fuller and more symmetrical development of all his faculties and powers, and to promoting his success in whatever sphere of labor it shall subsequently be determined he is to enter.

It is schools of this class, the establishment of which is at this

time being especially urged under the general title of Industrial Education.

In some respects, the term "industrial education" is itself an unfortunate one. The term "mechanical education" would better express the objects of those who are now advocating an important modification of our system of instruction. But the term first referred to has been so widely adopted in the discussion of this subject, that it is likely to be used long after the mechanical education of our children and youth has passed the period of debate and become incorporated in our public school system.

The distinction between the trade school and the school of the kind last indicated, will be seen, if properly contemplated, to be very marked. Not only does the trade school assume that there is a high degree of probability that the pupil will enter a definite field of labor, for which it undertakes to prepare him; but the establishment of such schools undoubtedly contributes, in an important degree, to enhance the probability of that result.

The confusion of trade education with a general mechanical education has undoubtedly engendered not a little of the prejudice which the scheme of industrial instruction has encountered in certain quarters within the United States. It has been alleged that the establishment of the proposed system would be opposed to the sentiments of our people and to the genius of our institutions, inasmuch as it would assume that the children who were to receive training were born to a certain condition of life, and were destined to perform a certain industrial rôle. The scheme of industrial education has, therefore, been objected to, as curtailing the glorious birthright of every American boy to become banker, merchant, judge or president, as his own abilities and virtues may qualify him. It will appear, I think, in the further course of this paper, that the objection is founded upon a misapprehension; and that the adoption of the system of education under view would not only not confine the choice of the pupil as to his subsequent mode of life, but would tend to give him an even greater freedom of movement and action.

That the establishment of trade schools, in the strict sense of that term, has proved advantageous in many of the crowded communities of Europe, I entertain no doubt. When, by reason of the dense occupation of the soil and the diversification and localization of industries, the choice of young persons is, in fact, very

closely limited, it is probably the part of wisdom to recognize that fact, to accept the situation, and to prepare the young as well as possible for the work which, by almost a moral necessity, they will be called to perform. That even in some communities of the United States, the point has already been reached where the establishment of trade schools by private benevolence, or even by municipal authority, might be practically advantageous, I am not disposed to deny.

In any large city whose population is chiefly, and perhaps almost wholly, occupied in some single and highly special branch of industry, the instruction of the young in the arts specially concerned in the prosecution of that industry, may, not unreasonably, be deemed the dictate of practical wisdom.

Yet the position of those who have opposed industrial education on the ground that the United States have not reached the condition which requires or justifies the education, at the public expense and under State authority, of young children with reference to specific trades, is in the main sound and just. The proper answer to this objection is, that the system of industrial education proposed would rather enlarge than confine the subsequent choice of occupations by the children of our public schools.

The purpose sought by the advocates of so-called industrial education, is the training of the eye and the hand of the pupil, and his acquisition of those elementary principles of physics and mechanics which underlie all dealing with the forces of nature and with material objects.

I have spoken of the "establishment" of schools for industrial or mechanical education. Yet, in truth, it is not so much the creation and endowment of separate schools of this character, which is in view, as the gradual conversion of all the existing schools of the land to this use, through the grafting of certain studies and exercises upon the traditional curriculum. Such conversion would involve only a slight disturbance of the structure of the existing schools; but it would require the surrender of a not inconsiderable portion of time to the new studies and exercises.

In order not to protract this paper unduly, or to provoke needless controversy, I shall, on the present occasion, confine my remarks to the relations of the proposed changes in public instruction to the boys of our public schools, leaving open the question, whether the girls shall join in the new departure, or not.

As to the precise nature and extent of the studies and exercises which should, to this end, be incorporated in the public school curriculum, and as to the order of these exercises, much difference of opinion will doubtless be developed among those who advocate an extensive modification of the present scheme of education. The true final system, will, of course, have to be worked out through long discussion and experimentation. The following is presented as a fairly conservative programme :

Beginning with the pupil at the stage when Kindergarten methods and appliances are exhausted of their efficiency, the scholar should be instructed in the elementary principles of physics and mechanics through the use of simple models and apparatus, and should become familiarized through frequent statement and illustration, with the fundamental conceptions of geometry. There is a deep-seated popular error as to the age at which such things as the above can advantageously be acquired. It is too often assumed that because the young child is not competent to study geometry systematically, he need be taught nothing geometrical ; that because it would be foolish to present to him physics and mechanics as sciences, it is useless to present to him any physical or mechanical principles.

An error of like origin, which has wrought incalculable mischief, denies to the scholar the use of the symbols and methods of algebra in connection with his early essays in numbers, because, forsooth, he is not, as yet, capable of mastering quadratics ! If our children were taught to "do their sums," algebraically at eight, nine or ten, the later parts of the algebra would have far less terror for them, at fifteen, sixteen and seventeen. And yet, from the notion that the teacher must not take up any subject which the pupil is not prepared to go through with to the end and master scientifically, we drive our boys and girls to the most painful and absurdly round-about methods of solving problems. The moment the child begins to "do sums" upon his slate, he needs his x and y , and for lack of them he is continually driven back to "What d'ye call 'em," or "thingumbob," his unknown quantity, the object of his enquiry for which he is refused a symbol, — the length of the pole, John's share of the cake, the number of gallons in the cistern, or what not. The whole infant generation, wrestling with arithmetic, seek for a sign and groan and travail together in pain for the want of it ; but no sign is given them save the

sign of the prophet Jonah, *the withered gourd*, fruitless endeavor, wasted strength.

To teach the so-called arithmetic of the common school without the use of the algebraic signs and notation, is in the last degree barbarous; yet it is done, almost without exception, in the case of ten millions of school children, all from the notion that they are not yet prepared to enter upon the study of algebra! Study of algebra! Algebra is a *tool*, and nothing but a tool, and, so far as equations of the first degree are concerned, it is a tool which the child needs the moment he is set to enquire in how many days Jones and Brown can do a piece of work together, if Jones could do it in ten days alone or Brown in fifteen. For an equally bad reason, many things have been withheld from school children, though these were things of which every child should be informed at the earliest possible moment, because they belong to geometry, for the systematic study of which the scholar has been held not to be prepared.

It is true that of late years, teachers, drawing doubtless their inspiration from the kindergarten, have presumed to give the geometry of the square and cube before requiring the arithmetic of square root and cube root; but this concession to common sense stands almost solitary and alone on the pages of the modern textbook. Take for example, the conception of a plane, the most difficult and the most important of all conceptions, for the purposes of the geometer, the astronomer, the mechanician. This conception should, for subsequent success whether in geometry, in astronomy or in mechanics, be formed in the mind of the child at the earliest possible moment, just as the notion of right should be formed in his mind years and years before he is called to the systematic study of ethics. No subsequent effort can make up for the neglect of such fundamental conceptions in the very beginnings of education. The freedom and force with which these conceptions will be referred to and made use of in after life, must in a large degree depend upon the age at which they are first acquired.

They should be early implanted in the mind that they may grow with its growth and strengthen with its strength. What sort of students of literature would you have if you put off the teaching of the alphabet of letters till fourteen or fifteen or sixteen, as you in fact put off the teaching of the alphabet of science? You give the child English letters at five or six, and let him grow up,

through long practice in easy lessons, with fairy stories and picture books, and tales of travel and adventure, to the capability of reading and comprehending the master-pieces of literature; yet it is only on the day when the young man begins the scientific study of optics, for example, that you give him a definition of light, and show him simple experiments in reflection and refraction. The student should at this age be unable to remember when he did not know these things; and no amount of hard work in after life can ever wholly make up for the lack of early familiarity with the subjects of his study, the value of which every instructor acknowledges in other branches of education, whether relating to literature, to morals or to practical affairs.

Time will not serve for an extended illustration of this subject. A child of ten or twelve years is capable of understanding the principle of the lever just as perfectly as did Archimedes of old Syracuse. Once implant that conception in his mind and it becomes germinal, and, without watering or tending, will bear fruit perennially through all his life.

A child of the same age can comprehend the principle of the arch, when illustrated by a few blocks from a carpenter's shop, as fully as does the architect who hangs a stone dome one hundred feet in air; and when he has once comprehended the construction and office of the arch, his eye will never thereafter fall unintelligently upon an example of it. A child of the same age is capable of comprehending the law of perspective. Why in the name of common sense should one go on for years, walking through our streets or over the fields, his eye falling at every glance upon some object which is subject to this law, and yet never be instructed regarding it?

Do you ask how much of the elements of physics and mechanics should be given to the child of tender years? I answer, just as much as he will take, be the same more or less. And it is always safe to offer him a little more than he will take. It can't do him any harm. Cramming him with hard and lumpy facts, from so-called geographies or histories, may produce mental indigestion or colic; but an idea, an apprehended principle, never yet hurt a human being, and never will to the latest syllable of recorded time. For myself, I would not stop short of teaching a child the doctrine of the persistence of force through all its transmutations. Doubtless he would at first fail to apprehend it fully; yet he would gather

something from its familiar, picturesque enunciation ; and, as the proposition became familiar to his ear, and as illustrations of the equivalency of motion, heat, light and sound were multiplied and repeated to him, I should hope that he would grow into an apprehension and appreciation of this grand all-embracing law.

If it be asked of what advantage would it be to the youthful mind that it should be taught these and the like things, I answer, *First*, that if to observe phenomena quickly and clearly, if to reflect closely and justly, if to acquire an habitual, and in time, instinctive disposition to trace effects to their causes, if these things be among the prime objects of education, comparison may be challenged between the matter of study that has been described and the work that now takes up two-thirds of the time of the scholar of the age we have been considering. *Secondly*, that if the direct usefulness of the information acquired be adopted as the test of different systems of instruction, the elements of geometry, physics and mechanics, have preference, in an enormous degree, over the traditional studies of the primary and grammar schools. But, *Thirdly*, that the main argument for the early acquisition of these elements is to be found in their usefulness as a preparation for the study of geometry, physics and applied mechanics in later years.

While altering in a degree the traditional curriculum of the public schools by the introduction of the elements of geometry, physics and mechanics, I would recommend the extension of the drawing practice of the schools even beyond the point to which it is now carried in our most enlightened cities. And it is a consideration of prime importance in this connection, that, great as is the interest awakened by drawing practice, under the better teachers, even as students are now prepared for it in our public schools, those exercises would acquire a vast increase of attractiveness from the studies already described in the elements of geometry, physics and mechanics. The pupil would in a higher degree appreciate much that he was called to do in his drawing exercises, and would find a heightened pleasure in the practice of this art as it became a means of expressing principles with which he had been made familiar. And as the drawing exercise received a great enhancement of attractiveness through the pupil's comprehension of the principles underlying the figures and designs to be constructed, so, at the other end, would it receive a fresh addition of interest by being correlated with the shop-work in wood, in iron and in clay,

which, according to the friends of industrial education, should form a part of the exercises of the public schools.

We here reach the last stage of our subject. Industrial education involves, first, the teaching of the elements of geometry, physics and mechanics, secondly, drawing, and thirdly, shop work of one kind or another. During the past few years practice in the mechanic arts, especially in wood working, but also in forge, foundry and lathe work, has been introduced as an integral part of a system of education, in several sections of the country. No one is known to have been in any way connected with this new kind of teaching who is not an enthusiastic believer in its beneficent effects at once upon the scholar and upon the general system of public instruction; while of late, converts have been rapidly made from among those who formerly doubted or denied the expediency of this innovation in education. The year now closing has seen the school-room space, the apparatus and machinery, and the teaching force devoted to this work more than doubled, perhaps we might say trebled. The next year will undoubtedly witness an even greater increase. The thing is coming, and coming fast, faster probably than the means can well be provided; and doubtless mistakes, not a few, will be made in the haste to introduce this kind of teaching.

In general it may be said that the course of propagation is likely to be from the high school downward to the grammar and then to the elementary schools, and from the city outward through the small towns to the rural districts. The chief difficulty to be encountered will not be the difficulty of finding means or the opposition of school committees or boards of Aldermen, but the lack of competent teachers. In this view the State of Massachusetts has wisely initiated practice in the mechanic arts in two of its Normal Schools.

At the Massachusetts Institute of Technology, which eight years ago, under the enlightened administration of Dr. Runkle, established a school of the mechanic arts, the applications for instructors in this department are already far in excess of those which can be met. Dr. Runkle has, within a few weeks, issued a pamphlet* which embraces in condensed form many well-considered sugges-

* Report on Industrial Education, by John D. Runkle, Ph. D., LL.D., Walker Professor of Mathematics, Massachusetts Institute of Technology. Boston: W. F. Brown & Co.

tions regarding the organization of this kind of schools, with detailed statements as to the equipment of shops for instruction in the mechanic arts. The reports of the St. Louis Manual Training School, under the supervision of its capable and enthusiastic director, Prof. Woodward, contain information of great value regarding the new form of education.

The advantages to be anticipated from the introduction of training in the mechanic arts into the grammar and high schools of the land are many and important.

First, it will increase the freedom of industrial movement, allowing our youth as they leave school to find for themselves places in the industrial order with more of ease and assurance than at present. This, as has been said, is in contradiction of a vague popular opinion, that the proposed system is in the direction of class education; but the principle is undeniable; only the degree of its importance can possibly be disputed.

A lad of fifteen leaving the Grammar School, or a lad of eighteen leaving the High School, is not required to become a mechanic because he has had long practice in the use of tools, because he has acquired a familiarity with the materials of construction, because he has become neat, dextrous and expert in manipulation, because he can make a working-drawing of a piece of machinery or of furniture; because he has had his sense of form, of magnitude and of proportion trained to the nicest discrimination, and because he can work with his eye and his hand, as well as with his brain, and with all of these in the closest coöperation. But if he *is* to become a mechanic, he will have a much wider choice between individual trades, by reason of these things; and again, when he has chosen his trade, he can acquire the special knowledge and the special skill requisite thereto in one half the time which a mere apprentice would take, and he will acquire them, moreover, to much better effect; while, still again, he will be a workman, who, after a few years of practice, will be fit, by reason of ability to make working-drawings, knowledge of mathematics and mechanical principles and superior mental training, to be promoted to the post of foreman or superintendent of construction; or he may set up for himself as contractor or master, with a prospect of success far exceeding that of one of equal natural abilities who has enjoyed only the special training of a single trade.

Secondly, so far as the graduates of the reformed Grammar and

High schools are *not* to become mechanics, they will certainly be no worse off, in any way, by reason of this training, but in many ways they will be the better qualified, even in commercial pursuits or in clerical capacities in connection with manufacturing or railroad enterprises, to make themselves useful to their employers from their manual dexterity, the capability of using tools and the special knowledge acquired in school. But far more than this will be the advantage derived from the training of the perceptive powers, the formation of the habit of observation and the development of the executive faculty, the power, that is, of doing things as distinguished from thinking or talking or writing about them. To these, the traditional curriculum of the schools fails to minister in the smallest degree; and the longer mnemonics, analytics and dialectics are exclusively pursued, the farther is the student carried from the temper and the qualities of mind which achieve success, except in a few closely restricted and already overcrowded professions. It is the sense of this which leads so many parents to withdraw their children at an early age, reducing the number who go forward from the Grammar to the High school, to a petty fraction of the whole number.

With the school exercises modified and diversified as has been proposed, I sincerely believe that the average period of attendance would be at once appreciably increased, and that parents would withdraw their children only at the demand of pecuniary necessities which could not be denied, and not, as so largely now, because they feel that the school is doing nothing practically useful for their children, and indeed, that the longer they stay, after fifteen, the less will they be fitted for the work of life.

Thirdly, the introduction of shop work into the public system of education cannot fail to have a most beneficial influence in promoting a respect for labor and in overcoming the false and pernicious passion of our young people for crowding themselves into overdone and underpaid departments, where they may escape manual exertion at almost any sacrifice. This tendency of the times has been loudly complained of, but how have those a right to complain who support the old order of things under which all the praise and all the prizes of the school are bestowed upon glibness of speech, retentiveness of memory, ease or force of declamation, and skill in dialectics? If the authority of the State and the influence of the teacher combine to set up such a standard, what wonder

that the pupil accepts the same view of what is admirable and desirable, holds other qualities in little esteem, and deems himself too fine for a common trade and a humble calling? Let the State honor labor in the school; let some of the praise and some of the prizes go to neatness of manipulation, skill in the use of tools, taste in design, patience and ingenuity in execution; let the pupil see his master, now and then, with his coat off and a paper cap on his head, teaching the use of the plane and the lathe; give the boy to know the delight of seeing things grow and take shape under his hands, and it requires no prophet to assure us that our young people will come to look on life very differently and much more wisely.

Fourthly, the consideration which weighs more than any other, in my mind, is that the introduction of shop work into the public schools, closely affiliated with exercises in drawing and design, will give a place, where now there is no place at all, or only a most uncomfortable one, to those boys who are strong in perception, apt in manipulation, and correct in the interpretation of phenomena, but who are not good at memorizing or rehearsing the opinions and statements of others, or who, by diffidence, slowness of speech or awkwardness of mental conformation, are unfitted for intellectual gymnastics. It is mighty little which the ordinary Grammar or High school does at present for scholars of these classes. Not only do they, at the best, get little personal pleasure from their work, and receive little of the commendation of the teacher, but, in the great majority of cases, they are written down blockheads at the start, and have their whole school life turned to shame and to bitterness. And yet it not infrequently happens that the boy who is so regarded because he cannot master an artificial system of grammatical analysis; isn't worth a cent for giving a list of the kings of England; doesn't know, and doesn't care what are the principal productions of Borneo, has a better pair of eyes, a better pair of hands, and, even by the standards of the merchant, the manufacturer and the railroad president, a better head, than his teacher.

I desire not to exaggerate; I wish to speak with the utmost seriousness and in strict truthfulness. Of how much advantage is it to a scholar in the average Grammar school of Boston or New York, or Chicago, in doing his work or in earning the praise of his teacher, that he has a quick perception of form and color; that he

sees everything presented to his view at once broadly and particularly, his eye taking in all the features of an object in their due order and proportion, his mind justly interpreting the significance of each and every feature by turns and in the whole; that he has a subtle touch, great patience under vexation, an ingenious and inventive mind? There are as many boys in our schools of whom the above can be said, as there are of boys who are quick to memorize and rehearse the opinions and statements of others, or are strong and lively in the gymnastics of arithmetic and of grammar. There are not only as many of the former class of boys as of the latter, but they are quite as deserving of sympathy and respect, besides being rather better qualified to become of use in the industrial and social order. And yet for that class of boys the school offers almost nothing upon which they can employ these priceless powers. They may, by laboring very painfully over the prescribed but uncongenial exercises, escape the stigma of being blockheads, but they can never do very well; they will always be at a disadvantage in comparison with boys of the other class; they will know nothing of the joys of commendation; and it is most fortunate if they do not become discouraged, indifferent and in time careless or even reckless of their standing. Such boys are practically ploughed under, in our schools, as not worth harvesting. The teacher may be ever so pitiful and patient; that matters something so far as the child's happiness is concerned, but, so long as he is kept wholly at exercises for which he is not by nature qualified, it makes little difference as to his chances of success as a scholar.

The introduction of practice in the mechanic arts would strike a responsive chord in the hearts of all boys of the class I have so inadequately described; it would at once give them something to do in which they could excel; it would quicken their interest in the school; it would save their self-respect; to many of them it would open a door into practical life.

For a partial illustration of these effects, let me refer to the introduction of drawing into the public schools, already so widely accomplished. If the acquirement of this art were absolutely of no value; if the training of eye and hand involved were put out of account, I fully believe that, in spite of the very shabby way in which this subject has generally been taught heretofore, drawing in the schools has repaid its cost ten-fold, simply in the opportu-

nity it has given to a host of scholars to do something well, to their own satisfaction, to the commendation of their teachers, and to the admiration of their mates.

Here is a little fellow who has no aptitude for the traditional studies of the school room. He has either given way after a short struggle to a feeling that he is a dunce anyhow, and that it is of no use to try; or, after a longer and harder struggle, he has succumbed to a still more bitter and lasting discouragement. He has become accustomed to be blamed at school and at home for his low standing; he has ceased to listen for words of approbation; he has learned to expect a look of sadness or of anger on his father's face as his monthly card is presented.

But now a new exercise is introduced into the school, and after the inevitable blottings and smearings of the first trials, it comes one day to the comprehension of the teacher that this boy has executed his work better than any other scholar; has done best of all something, which by authority has been pronounced worth doing. For the first time that lad, who has all the while been struggling with a hopeless incapacity for identifying "appositive modifiers" and "cognate objectives," hears the sweet and pleasant voice of praise, sees the admiring glances of his comrades fall on him, yes, on him! and feels the pulse of ambition throb at his temples.

With what anticipations of pleasure will this lad hereafter await the signal to take up drawing; with what pains will he execute his work, with what pride hand in his faultless sheets! How changed to him henceforth is the school room; how differently, even, sounds the school bell in the morning! If the introduction of drawing has done so much for many a boy, how much more fully and completely will the needs of this class of youths be met by the introduction of shop-work in its various branches of carpentry, forge, foundry and lathe work, in intimate and vital relations with drawing and with the elements of geometry, physics and mechanics!

I might dwell on other considerations; upon the impulse to be communicated to invention and discovery, upon the disclosure, here and there, of rare mechanical genius, which, under the old system of education, might have been hopelessly lost in a dreary wilderness of words; upon the value of the arts acquired in saving dis-repair within the home, enabling the thousand needed strokes of the hammer to be well and promptly given, securing the inser-

tion of the nail in time that saves nine ; upon the virtue which a general mechanical education of the people would have in preserving and exalting the priceless sense of social decency which keeps the fence along the village street in order, the gate hung, the glass set, the shutter in place ; but perhaps I have already said enough to introduce the discussion of the question of Industrial Education.

PAPERS OF THE JURISPRUDENCE DEPARTMENT.

I. CONFLICT OF STATE LAWS,—THE EVIL AND THE REMEDY.

BY EUGENE SMITH, ESQ., OF NEW YORK.

(Read September 10, 1884.)

The conflict of laws has long been a fruitful theme for discussion and for authorship. But I propose to speak of that special phase of the subject which relates peculiarly to our own time and country; to point to the fact that our national map is a dissected one, cut up into territorial fragments, called States, of arbitrary size and shape, each fragment controlled by a separate and distinct body of State law; to glance briefly at the confusion wrought by these jostling and often conflicting systems of State law which produce ever-increasing evil and are retarding the growth of national unity and prosperity; and to inquire, finally (and here is my main object), what remedy is best fitted to stop this conflict and to secure to the whole country an harmonious and self-consistent jurisprudence.

The systems of statute law within the various States of the Union have each grown up and been developed from within the State itself; and the process of their evolution has gone on in each State without much reference to the course of legislation in sister States. The natural result has been a dissimilarity and divergence between the systems of State law, until now there is hardly any department of jurisprudence in which cases are not constantly arising to illustrate the conflict between the laws of the different States. In the laws relating to contracts of every kind, including even negotiable paper, in the laws pertaining to corporations, to wills, to marriage and divorce, to the administration of estates, to taxation, to civil and criminal procedure, the systems of the several States present a variance which is as constant as it is unwise and wholly unnecessary. How substantial and pervading this variance is in its character, is shown by the significant fact that no discreet lawyer would assume to pronounce an opinion upon a case, however simple, arising under the laws of a neigh-

boring State, until he had made a special examination both of the statutes and of the judicial decisions in that State bearing on the question involved.

It would be an interesting subject of inquiry and one not difficult of treatment to trace out in detail the dissimilarity of State laws in the various departments of legislation, and to show how broad are the legal lines of demarcation between the States. But such an inquiry would lead beyond the limits of the present paper which is designed to treat rather of the evil resulting from the conflict of State laws and of the remedy for that evil, than to illustrate the fact itself of such conflict.

The injurious consequences of the diversity in the systems of State law are more far-reaching than is apparent at first sight. Perhaps the doctrine of State sovereignty involves more than is generally realized. But it is a fact that the *Federal* government and *Federal* law touch at very few points the every-day life of the people. The matters of internal domestic concern committed to the Federal jurisdiction are very few in number and extremely limited in scope. Cases arising under acts of Congress make a very minute fraction of the litigation with which the courts are burdened. But while the jurisdiction of the Federal government is circumscribed, that of the State government is practically boundless.

The State has supreme and sovereign control over all those interests that affect vitally the domestic, social, and business life of the people. The protection of life and property, the education of children, the family relations, the institutions of religion and of charity, the repression and punishment of crimes, the whole broad subject of civil rights and remedies, all come within the domain of State law. And so it is that the public prosperity, the character of the national life, so far as they are influenced or moulded by the laws, depend, not on national, but on State law.

The incomparably superior importance of State over national legislation is not popularly appreciated. While the affairs of Congress excite wide interest and undergo close scrutiny, while a degree of statesmanship is recognised as the fitting qualification for a member of Congress, the legislature of the State is supposed to represent a lower plane of politics. No qualification beyond that of party service, is demanded from the State legislator, to whom are confided the really vital interests of society. The necessary result in each separate State is a crude and ill-digested mass

of legislation, adopted without knowledge of the laws of other States and without the slightest aim at any unity of system between the States.

But diverse laws on the same subjects in different States are hostile to the real interests of the people in many ways. They are opposed to the *national* spirit and temper of the times. The people of the United States are yearly growing to be a thoroughly homogeneous nation. The only division in the past has been limited by sectional lines, which did not coincide with State boundaries, and those lines are being surely obliterated. The boundaries between the States are purely legal and fictitious lines indicating no corresponding separation of social or material, or moral interests. All the tendencies of the time are serving to unify those interests. The newspaper press and the extension of railways are only among the prominent agencies that are constantly bringing the people into closer and closer contact with each other; and a truly *national* tone of feeling and character manifests itself in all the concerns of daily life.

This fusion of interest is more sensibly felt in the business enterprise of the country. There is no artisan so humble that his capacity to earn a living is not affected by causes operating outside the State in which he dwells. The markets of the country respond with electric sympathy to disturbances occurring in the remotest regions of the Union. The enormous and increasing growth of corporations is an important factor in the national life. These great bodies, railroad, insurance, telegraph, and other business corporations, having holders of their stocks and bonds in every State and transacting business in every State, illustrate the common and consolidated character of the material interests of the country.

Nothing can be more utterly regardless of State lines than every kind of trade and business in its natural, healthy development. Yet every business enterprise in extending its ramifications into another State encounters a new system of State law and of judicial procedure; it must adjust itself to altered conditions; a new method of taxation may drive it out of the State; contracts and modes of dealing which were valid in the State of origin are found to be in conflict with the laws of the new State; without effecting its reorganization, the enterprise cannot establish a foot-hold in the sister State. These requirements are not merely oppressive; they

hamper the free growth of trade. Business enterprise is expansive by nature; it demands above all things, certainty and uniformity in the civil law that governs it, and in so far as it must accommodate itself to a varying or conflicting jurisprudence, its natural development is retarded or arrested. There can be no doubt that the establishment of a single code of civil law over all the States in the Union would vastly promote the moneyed, and all the material interests of the country.

The *moral* welfare of the country would be not less advanced by such a code. It is in this direction that the evils of the existing diversity are even more apparent and crying. When it is true, as it is now true, that a child, legitimate in one State, may be disinherited and bear the brand of illegitimacy by the laws of another State; that a man may be either married or unmarried according as he stands on one side or the other of a State boundary; that a man may suffer imprisonment in the State Prison in the State of New York for the crime of bigamy in marrying a woman who by the law of New Jersey would be his lawful wife, — when these anomalies result, as they do result, from the conflict of State laws, it begins to be possible to realise the absurd and demoralizing condition of our jurisprudence.

All the interests affected by legislation suffer from the want of harmony between the systems of State law. The uniformity in the condition, character and needs of the whole people, the absolute identity of their material and moral interests, demand one code of civil law. No State has now any separate or peculiar institutions requiring a distinct body of jurisprudence, differing from the other States; every State ought to enjoy the benefit of the experience and legislative wisdom of its sister States, and that which is the best legislation for one State is the best for all alike.

There is another noticeable tendency of the times which renders the divergence of State laws more dangerous for the future than it has been in the past. I refer to the tendency to extend the domain of legislation to subjects which have hitherto been left to the operation of natural laws. The paternal theory of government is undoubtedly gaining ground; it may be said, perhaps, to accord with the temper of the age. Herbert Spencer has made this tendency, as manifested in the course of modern English law, the subject of his violent denunciation; he sees in it a drifting toward what he terms "the coming slavery," when individual freedom of

life and conduct shall be seriously curtailed by the operation of tutelary laws. The same thing is apparent in our own country. It is popular to look to the government for a cure for every ill, and for aid to every measure of progress. Thus, while the enlargement of the scope of legislation will increase the variance between State codes, the growing community of interests and of needs throughout the nation, will make that variance to be felt as more and more irksome and obstructive.

What I have said, thus far, is little calculated to elicit opposition or even debate. Every one admits the evil of conflict in State laws; but when we ask how this evil shall be met and remedied, then we shall encounter the widest diversity of opinion. This question of a remedy is the difficult one to which I now invite attention.

In the first place, the only remedy possible is a radical one. The evil cannot work out its own cure through existing agencies. If, indeed, all the State legislatures were composed of statesmen who were animated by an intelligent desire to harmonize the State codes, some of the more glaring discrepancies could be corrected. But our State legislators are not, and are not likely to be in the future, uniformly of that highly enlightened character. They come together for a brief session, they hastily enact a body of crude and incoherent statutes in the manner which was so forcibly presented before this body three years ago, in the opening address of your president, Prof. Wayland, on "Certain Defects in our Methods of Making Laws." These legislators have neither the capacity nor the opportunity to study the laws of other States relating to the subjects on which they act. Even were they disposed and competent to do so, they would find the research extremely laborious and difficult. No, it is utterly utopian to look for the harmonization of State laws through the simple action of the State legislatures, as now constituted; and, it is none the less utopian to hope to reconstruct and elevate the *personnel* of State legislatures according to the standard required for such a work.

There is only one plan of correcting the evil of diverse State laws that can be said to have gained any popular currency. That plan looks to the *Federal government* as the agency by which the States are to be brought into harmony. In the laws relating to marriage and divorce is presented the most glaring instance, perhaps, of divergence between the States; the conflict of the laws on

these subjects has elicited wide discussion, and the practical outcome of it all is a general demand that Congress shall take the subject in hand and enact a uniform code of marriage law, which shall be supreme throughout the Union. If any objection is suggested touching the constitutional power of Congress to legislate on the subject, the answer is made that such an objection is a purely technical one; that if necessary, as a matter of form, the Constitution can, and should be, amended, so as to confer upon Congress the required jurisdiction, and that the people, as supreme sovereign, can alter the Constitution to adapt it to new popular needs.

This appeal to Federal intervention to regulate marriage and divorce, is in accord with the general political sentiment of the country. There is a growing disposition to widen the scope of Congressional action, and to commit to the surveillance of the central government many interests that have heretofore been left to private enterprise and to State control. It is proposed to expend millions of the public money to promote the interests of education, and amounts increasing from year to year in wide schemes of internal improvement. The demand for postal telegraphy is all but unanimous; the operation of the railway system of the country by the government, and for the public account, is openly advocated; and, at least, the enactment by Congress of a code of railroad law, which shall bring all the railway corporations in the United States under one uniform system, regulating their rights and obligations, and shall subject them to the jurisdiction of Federal courts, seems to many the only feasible way of avoiding the complications that have resulted from imperfect and conflicting State laws.

I do not propose, now, to discuss the political wisdom of these suggested innovations nor to inquire how far all of them are infused with a latent element of socialism. I intend to direct attention simply to their bearing on our special system of government. It is curious that the people fail to apprehend the extreme *radicalism* of all these proposed Federal measures. They are really measures that involve the complete overturning of our whole plan and theory of government. It has been the boasted and the distinctive feature of our constitutional system that the powers of the central government were so limited that the separate States retained an absolute sovereignty in all matters of internal and domestic concern. In

everything affecting our status as a nation, and with relation to foreign powers, the Federal government is supreme; in the development of the civil life of the people, the State is equally supreme. The regulation of the family relations and the legislative and judicial control of all business enterprise have been, not only in fact, but necessarily, *State* functions; they *cannot* be transferred to the Federal government without subverting the whole theory and substance of the Union. The transference can, of course, be affected by so-called constitutional amendments; but such amendments cannot properly be called amendments—they are, rather, revolutionary changes, introducing a new and radically different form of government. The States, instead of remaining independent sovereignties as to all matters not specially committed to the general government as they were originally constituted, would be subordinated to the Federal power; and after the process of absorption had once begun, the ultimate result would be, the civil government of the whole people, not by States, but by the central power at the Capitol.

The advantage of such new system would be in a uniform system of law harmoniously and consistently administered throughout the length and breadth of the land; its disadvantage and its danger would be in the magnitude of its empire.

Here, then, are the problem and the dilemma that confront us. A nation, firmly consolidated in its interests, and demanding an harmonious and national code of civil law, but in fact divided and hampered by inefficient, conflicting systems of State law—possessing a central power at Washington, now limited, but capable of extension, until, by absorbing the present functions of the States, it shall secure to the entire nation one common and uniform jurisprudence. But, on the other hand, lies the patent and grave danger—a continent, soon to contain a population exceeding a hundred millions—can it possibly be governed by a central authority? Will it not inevitably fall, through its own weight and magnitude, into separate fragments.

I can conceive of but one possible way to avoid the obvious danger of centralization, on the one hand, and to secure, on the other, the needed unity. The only remedy lies in the concurrent action of the States themselves. The plan I have to propose contemplates the appointment of one, two or more commissioners by each State—men of wide experience, deeply versed in jurisprudence,

with a broad and liberal comprehension of the national needs; the commissioners so appointed to meet in conference, and to compile and codify a system of statutory law embracing all those topics of common and public concern with reference to which the interests of the people in every section of the land are identical; the code so formed to be submitted to the legislatures of the several States for adoption and enactment. In this way, and this way only, can our traditional form of government be preserved, and yet the whole people be brought under the sway of a uniform law.

In advocating this plan, I hasten at the outset to meet an objection as to its practical feasibility. How can the States be brought to the concert of action which the plan presupposes? How can the movement be initiated?

If the effort were now made to induce all the States to join in the establishment of a commission to codify the whole body of statute law, I admit that the effort would prove futile. The idea is a new one, and would excite conservative opposition by reason of its novelty. But the plan proposed is susceptible of a *partial* application and test. If a few of the States could be induced to unite in the formation of a joint commission to draw up a body of law relating to a single subject, the principle of concurrent codification would thus be introduced; and when once established, the principle might be left to work out its own extension and development. For this purpose, the present agitation regarding the law of marriage and divorce affords a ready nucleus. Probably, not less than one-half of all the States of the Union would now unite in the appointment of a commission, to be composed of delegates from the several States, for the purpose of compiling a body of statutes covering the whole subject of marriage and divorce; the code thus formed would not, of course, have the force of law in any State until formally enacted by the legislature of that State; but it is safe to conclude that if the commission were judiciously constituted, its work would be ultimately adopted by the States with substantial unanimity—and thus the blessings of a uniform law throughout the Union on this vital subject could be secured.

The time is now ripe for this concurrent State action on the subject of marital law, and should such action be taken, resulting in the successful redaction of a code of marriage law, the event would mark an important epoch in our national history. It would

demonstrate the possibility of concerted action by the States, and would establish a precedent of inestimable value. The same method would then seem the easy and natural one through which to secure amongst all the States a uniform code of railroad law, or of law relating to corporations generally.

There is a strong tendency already apparent among the several States (led, in this respect, by the State of New York) toward the general codification of the law of the State; and if the principle of joint or concurrent codification by the States in common could once have a practical exemplification, as in the proposed instance of a code of marriage law, the time would not be far distant when the plan I have proposed would become in its widest extent not only feasible but popular—the plan, namely, of the States uniting in the appointment of a commission to prepare a general code of public law, to be submitted to the legislatures of the several States, for their separate adoption and enactment.

The plan of concurrent codification by the States themselves will not only secure the benefits of a uniform law throughout the Union, but when viewed from many sides it commends itself as the best remedy that can be applied to the existing conflict of State laws. It falls in with the tendency of the times, just adverted to, demanding codification within the separate States. The worst enemies, not less than the advocates, of legal codes will concede that one common code, even of average excellence, is more tolerable than the thirty-eight separate and different ones with which the country is now threatened. But a code which embodies the widest legal experience and the best legal ability, culled from all the States, will be in itself more exact, more practical, more cosmopolitan, than any code which is likely to be produced within any single State.

Then, the principle of concurrent State action will impose the best practical check upon the popular drifting towards Federal centralization, which is the most serious danger that now threatens the perpetuity of our historical form of government. The plan proposed will secure the States in the exercise of those functions with which they were left endowed by the founders of the republic, but functions which are now tending toward progressive absorption by the Federal, and only central, power; it will insure the civil government of the people *by the States* upon the basis on which the Union was formed; and will impart to that government the

harmony which is indispensable to the prosperity of a wide-spread but thoroughly consolidated nation.

It would be necessary to provide for the settlement of differences in the judicial construction and application of the code which would be apt to arise, placing the courts of the different States at variance. Practically, such differences would generally be developed in controversies between citizens of the conflicting States; and those controversies, being between citizens of different States, would fall within the jurisdiction of the Federal courts, with a right of ultimate appeal to the Supreme Court. The judges of the State courts have always manifested a disposition to weigh and to respect judicial decisions rendered in sister States, and have intelligently striven to harmonize the rulings in kindred cases. With this traditional attitude of the State courts and with the right of final recourse to the Supreme Court, there is little ground to apprehend any serious divergence in the judicial application of a national code of laws.

The plan I have proposed, of concurrent codification by the States, if it proceeded no further than the enactment of an uniform code of civil law, would prove an imperfect remedy for the conflict of State laws; it would, indeed, yield complete temporary relief, but it would afford no efficient guaranty for the future. The plan involves a further element, vital to its success, to which I have not yet adverted.

A written code of law, no matter how excellent, is of necessity only a *temporary* expedient. The life of a people is an unceasing development; new habits of life, new forms of business activity, new conditions of material and moral and social growth are constantly springing up, changing the face of society and changing its interests and its needs. In like manner, civil law, if it at all fulfils its function, must be a living and growing science, adapting itself with plastic energy to these varying forms of the society it governs. It is to such expansive and adaptive properties of the Common Law, the unwritten law, that the robust development of the Anglo-Saxon races is, in no small measure, due. A written code is less pliable under new conditions; it holds society in a rigid mould which tends to trammel its free growth. This is perhaps the strongest argument of those who oppose any general codification of law as a measure vicious in principle. The argument is not, I conceive, unanswerable, but the truth on which it is based is indisputable.

The law can be cast in the form of an inflexible code, but it cannot long maintain that form unaltered in the midst of a healthy society.

Suppose, then, our national code of civil law to have been jointly elaborated and separately adopted by all the States in the manner suggested, with the amplest provisions to secure its harmonious enforcement. Not a year would elapse before the flux of the current of national life would necessitate changes, amendments, amplifications, in that code; and the separate States, having, as now, no medium or agency by which to secure their uniform action, would begin immediately to diverge again, through amendments that would be diverse, incongruous, wholly irreconcilable. The ultimate result, within a decade or two of years, would be confusion worse confounded, and the conflict of State laws again in full course. Is there any way to meet this difficulty? How can the States, when they have once gained for themselves an harmonious system of law, be preserved from *future* divergence and conflict?

The answer to these questions will complete the exposition of the plan I am proposing as an effective cure for the conflict of State laws; and the answer is this. The agency used to bring the States into harmony must be made a continuing agency. The joint convention to which is entrusted the redaction of the national code, must be constituted a permanent council, perpetuated by re-appointments as occasion may suggest, and holding annual sessions. No amendment to the national code should be adopted by any State until it had first been submitted to such council for consideration. The council, composed of the ablest jurists selected from the several States, would constitute a most august body and would fill a position of commanding influence and dignity. Its members would be brought into the closest personal relations with the executive, judicial and legislative departments of their several States; and any measure of legislative concern brought before this body, would have light thrown upon it from every section of the country, would be discussed in the broadest national spirit, and would be decided with an intelligent apprehension of the situation and needs of the entire nation. This body would have no legislative power and could exercise no coercive force over any State; it would be simply an advisory council for all the States participating in it; but it would occupy a high vantage-ground, in comparison with any State legislature, or any possible State legislative commission, in pronouncing on every measure of proposed general legislation.

The moral power of such an official body would surely be effectual to preserve the States from any serious divergence, and to maintain throughout the whole country a substantially uniform, an enlightened, a progressive jurisprudence. If the proposed council were only self-constituted or voluntary, it may be doubted whether it could attain an effective degree of influence; but I think that its power and the public estimation of it would be greatly enhanced by its official character and by the fact that it was formally constituted by the State for the purpose of directing the course of legislation. The State legislatures would realize, and if they did not the people would force them to realize, that the conclusions of such a council could not be lightly disregarded.

The practical service which such a permanent council could render to the country would be of inestimable value. It would constitute a standing "commission" at the service of all the States for the investigation of those difficult questions of legislative policy, which are now frequently submitted in each State to special commissions; and it would enter upon the examinations of such questions with peculiar qualifications, and having at its command unrivalled facilities. The council would prove itself a powerful agency in communicating to the State legislatures and to the people at large, broader views and more enlightened intelligence regarding the subjects of legislative action and their national bearings.

The sovereignties of Europe maintain ambassadors at the Courts of each other, that each may keep informed of the official action of the rest and may guard itself against any foreign policy prejudicial to its own interest. Diplomacy is found necessary to preserve the harmony of Europe. The States of this Union, so far as their legislative functions extend, are sovereignties, as independent of each other as are the States of Europe, and the necessity for maintaining harmonious State policies is ten-fold more urgent here than it is in Europe. But there is no official agency whatever for holding the States of the Union to uniform lines of policy; there is no official medium of communication between the States, whereby the legislature of one State can gain knowledge of the action of sister States, or the legislatures of different States be placed *en rapport* with each other on matters requiring concurrent action.

Each State is pursuing its own independent and narrow policy,

while the *nation* has outgrown the States. A consolidated people has spread from the Atlantic to the Pacific, with interests so interwoven and complicated, that they can no longer be locally dis-severed, and compressed within the compass of conflicting systems of State law. These local systems *must* be unified, made more cosmopolitan, broadened and harmonized to meet the national requirements, or else they *must* be suppressed and supplanted by a central and federal jurisprudence. The logic of events is forcing this inevitable issue. The civil government of the Union by States can only be perpetuated by bringing the States into a harmony corresponding to the unity of the people. Concurrent action of the States to attain this end, or complete Federal centralization, is the only ultimate alternative.

I advocate the only conservative course—the preservation of the constitution, the maintenance of the Union as it was originally founded, the continuance of the traditional form of government. I deprecate the other remedy, that of Federal centralization; it is revolutionary, it is fraught with evils that are palpable, and it contains, beside, the menace of unknown dangers.

II. THE PARDONING POWER: WHERE SHOULD IT BE LODGED AND HOW SHOULD IT BE EXERCISED?*

BY FRANCIS WAYLAND, CHAIRMAN OF THE DEPARTMENT OF JURISPRUDENCE.

Pardon, in its broadest sense, has been defined, correctly enough, as "An act of grace by which the sovereign declares that the guilty shall be regarded as innocent."

Pardon, in its legal sense, though always nominally and often really an act of grace, simply abstains from enforcing the still unsatisfied penalty imposed by law after conviction.

The definition of Chief Justice Marshall, in *U. S. vs. Wilson*, 7 Peters, 150, has been quite generally accepted by text writers as sufficiently accurate: "A pardon is an act of grace which, proceeding from the power entrusted with the execution of the laws, exempts the individual on whom it is bestowed from the punishment which the law inflicts for a crime which he has committed."

Even if this is an adequate definition for general purposes, it should not be overlooked in such a consideration of the pardoning power as is proposed at this time, that it is incorrect in various essential particulars.

First.—The act of grace proceeds from the sovereign, or whomsoever the sovereign may designate to exercise the power. In this country, the power remains with the sovereign people as represented by the legislature when it has not been delegated to the executive, alone, or acting with the advice and consent of a council, or of some or all of the officers of State, or a board specifically selected to perform the duty.

Second.—Pardons are frequently granted for the sole reason that the petitioner is innocent of the crime for the alleged commission of which he has been suffering a penalty.

Third.—There are often incidental penal consequences attached to conviction for crimes, from which a pardon does not always absolve the criminal, such as forfeiture of the elective franchise, incompetency to testify, &c., &c.

A more correct definition of pardon, as practically in operation

*This paper, first read before the National Prison Association, Sept. 8, was submitted in the Jurisprudence Department, Sept. 11, 1884.

in this country, would be a *remission of the penalty imposed by a court of justice*.

Let us now inquire how the exercise of this power is regulated in the States of our Union.

In twenty-eight States the pardoning power is conferred on the Governor by constitutional provision.

In several States it is by the Constitution made subject to such limitations as may be, by law, provided relative to the manner of applying for pardons. In Indiana, constitutional provision is made by virtue of which the General Assembly may, by law, constitute a council composed of officers of State, without whose advice and consent the Governor shall not have power to grant pardons in any case, except such as, by law, may be left to his sole power.

Generally, it would seem to have been assumed, where not specifically provided for, that when the pardoning power is lodged in the hands of the Governor, the legislature may prescribe in what manner the power may be exercised; as in the statute enacted in California in 1860, providing that pardons shall not be granted in any case where the applicant has been twice convicted of felony, unless upon written recommendation of a majority of the judges of the Supreme Court.

In Iowa, where the constitution provides that the pardoning power of the Governor shall be subject to such regulations as may be provided by law, it has been enacted that after conviction of murder in the first degree, no pardon shall be granted by the Governor until he shall have presented the matter to and obtained the advice of the General Assembly thereon.

In three of the States the pardoning power is lodged in the hands of the Governor and a council. In Maine the council consists of seven, elected annually by the legislature; in Massachusetts of eight, elected annually by the people; in New Hampshire of five, elected biennially by the people.

In two States, Rhode Island and Louisiana, the constitution confers the power to pardon on the Governor, by and with the consent of the Senate.

In the remaining States the following provisions are made for the exercise of the pardoning power:

In Florida and Nevada by the Governor, Justices of the

Supreme Court, and the Attorney General, or the major part of them, of whom the Governor shall be one.

In New Jersey by the Governor, Chancellor and six Judges of the Court of Errors, or a major part of them, of whom the Governor shall be one.

In Pennsylvania, by the Governor, on the recommendation of the Lieutenant-Governor, Secretary of State, Attorney-General and Secretary of Internal Affairs, or any three of them.

In none of the foregoing States is unanimous consent required: in nearly all of them, cases of impeachment and treason are exempted from the jurisdiction of the delegated pardoning power.

Our enumeration thus far has included all of the States but Connecticut, which will be considered hereafter.

In many States, it is made the duty of the Governor to report annually to the Legislature or to file with the Secretary of State the number of pardons granted, with the material facts in each case and the reasons for granting the pardon.

While in the large majority of States it is specifically provided that the pardons may be absolute or conditional, with such conditions as may be deemed salutary checks upon criminal inclinations, it has been urged with much show of reason that the right to grant absolute pardons includes the right to annex conditions. Certainly, this power of annexing conditions, judiciously and humanely exercised, is of great value in the restraint imposed upon the offender, and the protection afforded to society.

It should seem sufficiently obvious that conditions should be reserved for those cases in which it is conceded or believed that the petitioner for pardon was guilty of the crime for which he has been suffering the penalty. Yet an incident which recently occurred in Massachusetts serves to show that so plain a principle is sometimes overlooked.

One Donahoe was sentenced in 1872, by the Superior Court in Suffolk County, to fifteen years in State Prison, for rape. In December, 1876, on the recommendation of the Attorney-General and on the discovery of new evidence that he had not been guilty of the crime of rape, he was conditionally pardoned; the condition being that if he were subsequently found guilty of another crime, he should be compelled to serve out the unexpired term of his original sentence! In 1878, Donahoe was convicted of larceny and sentenced to two years in the State Prison. Re-

leased on the expiration of this term of imprisonment, he was recommitted for breach of the condition annexed to his pardon. After he had served a year's confinement on the original sentence, it occurred to the pardoning power that (I quote from the official record), "if the Governor and Council of 1876 were satisfied that Donahoe was not guilty of the crime charged, even a breach of the conditions of the pardon they granted does not justify the present Executive in punishing him for that for which a former tribunal has found him not guilty."

This brief summary of the provisions in the several States with reference to pardons is a natural, if not necessary introduction to the consideration of the first branch of the subject before us, viz. :

"Where should the pardoning power be lodged?"

Now, remembering that the petitioner must be supposed to have had a fair trial, before an impartial jury and a competent judge, with the defence of counsel and always with the presumption of innocence in his favor, the conclusion cannot be escaped that there is a very strong probability that the verdict pronouncing him guilty was justified by the evidence and that the sentence of the court was deserved. Bear in mind, also, that the decision of the jury must be unanimous. The dissent of a single unconvinced juror from the conclusions of the remaining eleven, renders conviction impossible.

From this, certain inferences seem to invite attention.

First.—As a hearing on a petition for pardon often involves a rehearing of the case or the determination of the value of evidence purporting to be new and material, is it not obvious that the tribunal which is to pass upon the question should have a judicial element?

Second.—As the plea of insanity is frequently raised, is it not expedient that the tribunal should contain an expert in mental disease?

Third.—As men convicted of aggravated crimes are sometimes possessed of very considerable political influence, by reason of the votes which they or their friends can control, is it not in the highest degree important that the tribunal should be superior to all partizan considerations?*

*The legislature of Kentucky has sought to protect the Chief Magistrate of that State from temptation by enacting the following statute—"If any person, other than an officer of the Commonwealth, for fee or reward or the promise thereof,

I need hardly say that it would be unreasonable in the extreme to expect to find all these qualifications combined in the person of a single individual, elected by popular vote, on the nomination of a political convention. Nor could we reasonably count upon much greater fitness for this important duty in a body of men with no especial preparation or aptitude for the discharge of such a trust as we are considering.

Every dictate, therefore, of common sense, as well as every lesson of experience and observation conducts us to the conclusion that the pardoning power should be lodged in a Board of Pardons, so constituted as to secure action which shall be at once intelligent, wise, impartial, and, in the truest sense, humane.

And this brings me to the State of Connecticut. For years it was the only commonwealth in the Union which retained in the hands of the legislature the right to grant pardons. The Constitution was silent on the subject, and the power was not delegated. The evils of the system were flagrant, and in time became intolerable. It was not easy to overcome the reluctance of the legislature to surrender a right so long exercised, but after several successive years of struggle and defeat, the friends of a reform in the mode of dealing with pardons presented a bill so judicious in its provisions, and so broad in its scope, as to secure the almost unanimous approval of the law makers. I make no apology for presenting it for your consideration.

AN ACT TO ESTABLISH A BOARD OF PARDONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SECTION 1. The Governor, a Judge of the Supreme Court of Errors, to be designated for that purpose by the Judges of that Court, and four persons to be appointed by the General Assembly, one of whom shall be a physician, shall constitute a Board of Pardons for this State; *provided* that in case a Judge of the Superior Court who is a member of said Board of Pardons shall have tried a case in the Superior Court, he shall not act on said Board of Pardons in the same case, but the Chief Justice, in such case,

shall engage or assist in procuring the passage of any bill or act or the rejection thereof by the General Assembly, not being a member thereof: or the granting or refusing of a pardon or remission or respite of any punishment or fine by the Governor he shall be fined not less than \$20 or more than \$500—but this act shall not apply to an Attorney at Law," &c., &c.

shall designate a Judge of the Superior Court to act in such case on said Board of Pardons.

SEC. 2. The jurisdiction for granting commutations of punishment and releases, conditional or absolute, from the State prison, shall be vested in said Board.

SEC. 3. The Board hereby established must all concur in order to make their judgment of commutation or release operative. It shall hold two sessions at Hartford in each year, beginning the first Monday of December, 1883, and thereafter the meetings shall be held on the first Mondays of June and December in each year, at the Supreme Court room in said City, and it may hold special sessions, when and where occasion may require, and it may fix by rule the mode of procedure before it, and the manner in which its judgments shall be carried into effect.

SEC. 4. The General Assembly shall appoint two members of said Board, who shall hold their office for one year from the first Monday of June, 1883; two members who shall hold their office for two years from the first Monday of June, 1883. The General Assembly shall annually hereafter appoint two members of said Board, not more than one of whom shall be of the same political party, who shall hold their office for two years from the first Monday of the following June, and shall, at its annual session, fill any vacancy in said Board for the remainder of the unexpired term. Any vacancy arising when the General Assembly is not in session may be filled by the Governor until the Wednesday after the first Monday of the following January.

SEC. 5. The members of said Board shall receive no compensation for their services, but shall receive for their necessary traveling and other expenses five dollars per day for each and every day actually employed in the duties of said Board; and said Board shall have power to appoint a clerk, who shall receive a salary of two hundred dollars per annum.

SEC. 6. This act shall take effect from its passage.

The rules of practice established by the Connecticut Board of Pardons, are as follows :

(ADOPTED DECEMBER 3, 1883.)

I.

All proceedings for release shall be instituted by a short petition containing the name of the petitioner, his age and nationality, a statement of the crime of which he was convicted, when and where the same was committed, when sentenced and for how long, what commutation has been earned by good behaviour, whether this is first imprisonment and whether prior applications for release have been made, and finally setting forth special claims for consideration. The following is suggested as a short and convenient form for such a petition :

To the Honorable Board of Pardons for the State of Connecticut, to be convened at Hartford on the first Monday of A. D. 18 . . .

The petition of
for release from State Prison, respectfully represents :

- 1.—That he is years of age.
- 2.—That he was born in
- 3.—That he was convicted of the crime of at
in the County of in 188 , and sentenced
to imprisonment for a period of years and
months. Said crime having been committed in the Town of
- 4.—That by good behaviour he has earned a commutation of
months of said sentence.
- 5.—That this is the time he has been in prison.
- 6.—That this is the time he has applied for release.
- 7.—That he claims especial consideration because he says,—

The petitioner therefore prays your Honorable Board to take his case into consideration and grant him the relief herein prayed for ; and as in duty bound he will ever pray.

Dated at Wethersfield, this day of A. D. 188 . . .

II.

No petition shall be heard unless the same shall have been filed with the Clerk of this Board at least thirty days before its regular sessions in December or June, and notice of the pendency of such petition shall have been published in a newspaper printed in the County in which the prisoner was convicted, at least two weeks successively before such regular session, and a copy of the newspaper in which such notice is published shall be filed with the Clerk of this Board.

III.

Unless otherwise ordered, arguments on all questions of fact will be limited to fifteen minutes.

IV.

The seal of the Board shall be the seal of the State of Connecticut surrounded by the words,—“THE BOARD OF PARDONS.”

V.

A clerk of the Board shall be elected at its December session every alternate year, who shall hold his office for two years.

VI.

It shall be the duty of the Clerk of this Board to notify the State's Attorney of any county where the petitioner was convicted, of the pendency of such petition, and request him to appear and

be heard by himself and his witnesses, if he sees fit, in opposition to the same.

VII.

It shall be the duty of the Clerk to keep the seal and records of the Board; to receive the petitions for release and keep a docket of the same; to give the required notices to the State's Attorneys; to note and keep on file a brief statement of each case; to record the official proceedings of the Board; to issue all warrants of release and perform such other duties as may, from time to time, be required of him by the Board.

VIII.

When the prayer of a petitioner shall have been granted, there shall be issued an order by the Clerk under the seal of this Board and countersigned by all the members thereof, to the Warden of the State's Prison, commanding him to release the prisoner from confinement, and such order so attested shall be his warrant for the release of said prisoner.

The Board, as now constituted, consists of the Governor, *ex-officio*, the Chief Justice of the Supreme Court of Errors, a physician of high repute and an expert in mental disease, an editor long interested in prison management, and two prominent members of the Connecticut bar.

The result of the first twelve months of the new tribunal as compared with a few previous years, is as follows:

1879, Percentage of pardons to petitions,	. 22
1880, " " "	. 20
1881, " " "	. 13
1882, " " "	. 21
1883, " " "	. 7½

The remaining question: "How shall the pardoning power be exercised?" is one of extreme and acknowledged difficulty. The difficulty will perhaps diminish if we keep distinctly in view a few general principles or propositions.

First.—The object of imprisonment for crime is to protect society by confining and reforming the criminal.

Second.—Thorough moral reformation in a prison where there is no systematic, individual treatment, is more often superficial than genuine.

Third.—Society has a right to insist on adequate protection from convicted criminals.

Fourth.—The presumption of innocence does not survive a verdict of guilty.

Fifth.—The deterrent element of punishment resides mainly in its certainty.

And now for some of the practical bearings of our subject. It would seem to be too evident for argument that a Board of Pardons should conduct its proceedings largely according to rules and usages prevailing in courts of justice. Indeed it would be wiser, perhaps, to call such a tribunal a Court of Pardons. For obvious reasons, no pardon should be granted except by the unanimous consent of the Board. Unanimity was the prerequisite to conviction.

Clearly, the desire to escape punishment which dictated the defence on the trial will be intensified now that the punishment has commenced. Therefore every statement, whether of fact or opinion, made in behalf of the petitioner should be scrutinized with the utmost vigilance in accordance with these rules of evidence which have proved so effectual for the discovery of truth and the detection of falsehood or mistake.

It goes without saying that no petitions in aid of an application for pardon should be entitled to the slightest consideration unless the petitioners submit to an examination in open court, to test their means of knowing the facts which they assert, or the value of the opinions which they express. Where this is impossible, a disposition should be demanded with opportunity for cross-examination. *Ex parte* affidavits, unfortunately, are too easily obtained to be reliable in critical cases, while it is notorious that petitions are daily signed by reputable citizens with absolutely no knowledge of the truth of the statements which they contain. To attach any serious importance to petitions for pardon, "numerously and respectably signed," without such a personal examination as is here commended, would be as dangerous as to refer the whole matter to the decision of a town meeting.

If reference is made to the evidence given at the trial, the minutes produced and relied on should be amply authenticated by the presiding judge and, when that is impracticable, by the prosecuting officer.

If newly discovered evidence is claimed, it should be made to appear that such evidence conclusively shows the petitioner to

have been innocent of the crime of which he was convicted. If it is contended that the sentence was too severe, it must be borne in mind that the decision of the judge, formed when all the facts were fresh in his mind, should not be overruled except on overwhelming proof that he erred. Evidence of good character should be presented at the trial and after verdict in mitigation of sentence. Ordinarily it should not have much weight with the pardoning tribunal. The prisoner's good conduct while undergoing sentence should be and generally is rewarded by a fixed remission of so much time for such a period of uniform obedience to prison regulations. It is most unwise to base any theory of thorough reformation on the conduct record alone. It is the testimony of all prison officials whom I have consulted on this subject that the most hardened criminals are most likely to earn a reduction of their allotted term.

The belief that the prisoner is incurably ill and has not long to live, is frequently urged as a reason for pardon, and is often effectual. It is by no means clear that this plea should ever prevail; at all events it should only succeed after a most thorough and searching investigation, and on the concurrent testimony of the best obtainable medical authorities. A few years ago a convict was pardoned by the Governor of a New England State on the ground, plausibly supported, of incurable illness, and the manifest prospect of speedy death. In less than a month he was arrested in the act of committing a burglary in a neighboring State. Surely, in this instance, society was not adequately protected. Illustrations of the same kind might be indefinitely multiplied.

Another reason for the exercise of mercy, so called, which is often pressed upon the attention of the pardoning power, is the fact that the family of the prisoner is in destitute circumstances, and requires his assistance. We need not pause long over this kind of appeal. It has nothing whatever to do with the merits of the case.

If innocence of the crime for which the petitioner is suffering be clearly shown, his pardon should be granted,—strictly speaking his unconditional and immediate release should be ordered,—as an act of simple justice.

If it be made to appear beyond any reasonable doubt, that the sentence was unwarrantably severe, this would seem to be a fit-

ting case for the exercise of executive clemency. It is hardly necessary to illustrate my meaning further than to allude to the fact that in times of great popular indignation over the alarming prevalence of crimes of violence, the first victim who is caught and convicted is often made to suffer, not only for his own offence, but for the undetected outrages of other ruffians, and is visited with a sentence which would be at once pronounced by all excessive, but for its surroundings.

There remains another class of cases which naturally, and perhaps deservedly, will appeal with great force to the attribute of mercy. I refer to exhibitions, on the part of prisoners, of conspicuous courage, loyalty, fidelity to duty in seasons of excessive danger, whether from an epidemic, a revolt, a fire or any crisis demanding prompt decision for or against the prison officials.

There may be other reasons which from time to time are urged upon the pardoning power by sympathizing friends or subsidized attorneys of prisoners impatient of confinement. No two cases will be precisely similar, but there are, as I have sought to show, certain general principles applicable to all cases. It is believed that an intelligent and impartial Board, keeping these principles ever in view, and pardoning only by unanimous consent, is not likely to go often astray, or to commit serious mistakes.

NOTE.—This Paper was discussed by Ex-President HAYES, who presided when it was read, by Prof. WAYLAND, Mr. SANBORN, and others; but no report of the debate has been preserved.

III. THE THREEFOLD BASIS OF THE CRIMINAL LAW.

BY REV. F. H. WINES, OF SPRINGFIELD, ILL.

(Read Thursday, September 11.)

The question of the punishment of crime, which has attracted the attention of the most eminent thinkers, may be discussed either from its philosophical, or its historical side; but here, as elsewhere, it will be found that while history illustrates philosophy, philosophy illuminates history. By common consent, there are but three possible grounds upon which the infliction of pain upon offenders against the criminal law can be justified, namely: retribution, protection and reformation. Some writers reduce these three to two, — retribution and protection. Others reject the idea of retribution, and resolve the remaining two into one, — protection; for, in their view, the reformation of the criminal is one form of protection of society against crime, and the attempt to accomplish his reformation, contrary to his own will, would, on any other ground, be indefensible.

It is my purpose, in this paper, to give what appear to be valid reasons for believing that the criminal law ought to be based, and is, in fact, based, not upon any of these three principles, nor upon any two of them, but upon all three taken together; that, though inter-connected, they are independent of each other; and that the denial of either is perilous to the stability and security of society.

To begin with the historical argument, it is clear that in the primitive state of mankind, when international (or, to speak with greater precision, intertribal), disputes were settled by arms, and personal disputes were referred to the same stern tribunal, and commonly ended in murder, the criminal code, in its then crude and undeveloped form, was a bloody code. Usage, not written statutes nor judicial decisions, constituted law; and usage sanctioned public and private retaliation. That murder should be avenged by murder, that he who strikes another should himself be struck, said Æschylus, is the most ancient of all laws. The *lex talionis* may be traced through all the codes of antiquity of which we have any knowledge, — Egyptian, Syrian, Assyrian, Persian, Greek or Roman. To every reader of the Bible, it is familiarly

known under the form in which it was enunciated by the great Hebrew lawgiver: an eye for an eye, and a tooth for a tooth.

In the ancient criminal jurisprudence, there are also distinct evidences of the existence of a desire for self-protection, suggesting many of the bloody deeds with which the early pages of the world's history are stained. In the earliest times, offences even against a ruler, were regarded rather as private than public, as torts or injuries, rather than crimes. At a later date, the distinction between public and private offences began to be recognized. But it may be readily imagined that always and everywhere, the primitive man looked upon the punishment of a wrong as an act, like war, at once of vengeance and of self-defence. In the estimation of a despot, nothing could have been of more importance, than that he should rid himself effectually of rebels, traitors and rivals; and no doubt myriads of lives were a forfeit to the sentiment of fear. In no other way can we account for the inclusion of the offspring of a political offender in the sentence pronounced against himself. Sometimes religious motives prompted the most horrible atrocities. The history of our race is a record of successive superstitions, and the dread of divine displeasure was often inextricably blended with the fear of human enemies. Certain acts of supposed impiety were believed to excite the anger of the gods against the tribe or nation, and for the appeasing of the gods, human sacrifices were essential. We see in such sacrifices the early recognition of the double nature of punishment, retribution and protection, or protection by expiation.

The gradual amelioration of the barbaric severity which repaid nearly every conceivable offence with death, was effected by the introduction of a system of compounding offences by the injured party, who accepted from the man whose life was forfeited to him an agreed recompense in money, or its equivalent. In this way, by degrees, fines came to take the place of bloodshed. The frequency of capital punishment was also arrested by the system of sanctuary. Before the Christian era, however, there does not appear to have been any purpose in the criminal law to protect society against crime through the reformation of the offender. Jesus Christ taught that we must forgive our enemies, and that "If we forgive not men their trespasses, neither will our Father which is in heaven forgive us our trespasses." The Apostles insisted upon the duty of forgiveness. "Dearly beloved," said the

apostle Paul, "avenge not yourselves, for vengeance is mine, I will repay, saith the Lord." And again: "Brethren, if a man be overtaken in a fault, ye which are spiritual restore such an one in the spirit of meekness, considering thyself, lest thou also be tempted." But it was long before the application of these admonitions to the treatment of crime and criminals forced itself upon the notice even of Christian nations. Practically, the movement for the amelioration of the condition of prisoners and the effort to secure their reformation while in prison, dates from the last century only.

With modern criminal jurisprudence, most students of penology are more or less familiar, and know that what is termed the *échelle des peines*, or scale of penalties is, upon the continent of Europe, a fruitful theme of discussion. The *échelle des peines* is an attempt to adjust penalties to the supposed magnitude of the offences against which they are denounced in the code. Something of the same indistinct apprehension of an ideal proportion between crime and punishment is apparent in our own codes, with their minimum and maximum terms of imprisonment, which vary according to the supposed heinousness of the crimes to which they attach. If there were no actual ground in the constitution of the human mind for belief in the principle of the *lex talionis*, it is difficult to see how this attempt to adjust punishment to guilt could have originated, unless it is merely a survival of an obsolete conviction. It is certain that the idea of retribution is less vivid now than formerly, but it is pertinent to put the inquiry: If it has been dropped from criminal legislation, when and where did this revolution in criminal jurisprudence take place? I confess that I do not know.

Obviously, the questions of the actual and the ideal basis of the criminal law are distinct questions. It is one thing to assert that the law ought to ignore the idea of retribution, and it is quite another to assert that it does in fact ignore it. I am somewhat embarrassed to know how to treat the subject, in consequence of my ignorance of the ground to be taken by my opponents, if I have any, in this discussion.

Reference has been made to the supposed measure of guilt; but it is difficult to find such a measure. Guilt is not measured wholly by the heinousness of the act committed, nor by the evil intention of the actor, nor by the magnitude of the injury resulting from the

criminal act. It is rather a compound judgment arising from our apprehension of all three of these elements, which are in themselves distinct from each other. The difficulty of estimating the guilt of an offence is illustrated by the fact that when legislatures are required to form such an estimate, and to embody it in statutes, they allow such a wide range of discretion to judges in pronouncing sentence, as they do, ranging in some cases from a petty fine without imprisonment, to imprisonment for a long term of years. No code with fixed penalties has ever proved satisfactory in practice. It is further illustrated by the fact that judges do not agree in the sentences pronounced by them in their discretion, as every one familiar with the interior life of American prisons very well knows; since one prisoner may be sentenced by one judge for a long term of years for the very same offence for which another prisoner receives, at the hands of another judge, a merely nominal punishment. Undoubtedly, the agitation of the question of reform in the criminal law, springs largely from the conviction that justice, in the strict sense of the word, cannot be dealt out by fallible human tribunals, and that the only judge who is qualified to pronounce final sentence upon the guilt or innocence of those brought before him, is the great Judge of the quick and the dead, before whose bar all must one day stand. And yet are not human judges as fallible in their decisions in civil as in criminal cases? It was, I believe, after a decision rendered against an attorney who pleaded his own cause in a civil court, that he uttered the famous sarcasm, in the form of a definition of law: *Law is the unequal distribution of injustice.*

Without law, nevertheless, society could not exist, and every law consists of two parts, a command or prohibition, and a sanction, which is a threat of punishment in case the law is violated. Punishment is the infliction of pain. The words "pain," "penalty," "punishment," "penitence," and "penitentiary," all have the same derivation from the Latin word *poena*, which signifies pain. To punish is to inflict pain upon one who deserves it. Penitence is the mental pain which springs from the consciousness of ill-desert. A penitentiary is a place in which those who are punished may exercise the grace of penitence. Without the infliction of pain, punishment is impossible.

The idea of punishment implies two parties, one of whom deserves to be punished, and in the other, the right to punish must

inhere. But it appears to be clear that the right to punish must exist prior to the act of punishment, and that it must depend rather upon the antecedents than upon the consequences of that act. In the order of logical sequence, cause must precede effect, and the cause must be sufficient to account for the effect, without reference to the effects of the effect. In the chain of cause and effect, of which crime and punishment are separate links, the original cause is a criminal disposition, which leads to a criminal act, which is followed by punishment, and punishment is in turn the cause which produces certain other effects. For instance, it has an effect in deterring others from committing crime; and it has an effect in deterring the criminal himself from the repetition of his criminal act; and it may lead him to such serious reflection as will produce in him genuine amendment of purpose and reformation of character. But the right to punish does not have its origin in the effects which follow punishment, but in the conviction entertained, prior to the act of punishment, that punishment is deserved. The experience which we have of the effects of punishment may constitute a subsequent and subordinate (or even a principal) motive for insisting that crime shall be punished, and it may modify the form and the degree and the mode of punishment; but it cannot affect the right to punish, without which there can be no law, and without law, no social order.

The philosophical basis of punishment is the principle that action and re-action are equal and contrary, a principle which is of as unvarying application in morals as in physics. Punishment is the reaction against crime. A wrong done, whether to an individual or to the community, produces a sentiment of indignation and detestation, on the part not only of those who suffer wrong, but of all who witness a criminal act. The indignation felt may be misdirected or excessive. But of this sacred anger, even celestial minds are capable, and it is essential to all true manhood. The natural, though often mistaken and ill-judged, expression of hostility to wrong, is the infliction of pain upon the wrong-doer. Now law and government deal with men not as they should be, and in an ideal state might be, but as they are. All government is in effect a compromise between the ideal and the actual. Laws in the form of statutes are the expression of our imperfect conception of relations, conditions and obligations, which would be precisely what they are, were there not a written statute in the world;

except in so far as written law has an educational value, or is the embodiment of purely police regulations. Under the operation of law, the passions of mankind find vent in an orderly manner, where, without law, they would lead to disorder and excess. But no law can change human nature. Accordingly, we find that, wherever the laws against crime are weakly administered, the people, largely from an instinct of self-protection, no doubt, take the law into their own hands and execute it. I apprehend that, if all thought of retribution were to be eliminated from criminal jurisprudence, this would be the natural and inevitable result.

The following quotation from the tenth chapter of Maine's *Ancient Law* is confirmatory of the view just expressed: "Like every other institution which has accompanied the human race down the current of its history, the punishment of death is a necessity of society in certain stages of its civilizing process. There is a time when the attempt to dispense with it baulks both of the two great instincts which lie at the root of all penal law. Without it, the community neither feels that it is sufficiently revenged on the criminal, nor thinks that the example of his punishment is adequate to deter others from imitating him. The incompetence of the Roman Tribunals to pass sentence of death, led distinctly and directly to those frightful revolutionary intervals known as the Proscriptions, during which all law was formally suspended, simply because party violence could find no other avenue to the vengeance for which it was thirsting. No cause contributed so powerfully to the decay of political capacity in the Roman people as the abeyance of the laws; and, when it had once been resorted to, we need not hesitate to assert that the ruin of Roman liberty became merely a question of time. If the practice of the tribunals had afforded an adequate vent for popular passion, the forms of judicial procedure would, no doubt, have been as flagrantly perverted as with us in the reigns of the later Stuarts, but national character would not have suffered as deeply as it did, nor would the stability of Roman institutions have been as seriously enfeebled."

To this quotation I will add another, which seems to be in point, from the 17th chapter of Stephens' *History of the Criminal Law of England*: "If, in all cases, criminal law were regarded only as a direct appeal to the fears of persons likely to commit crimes, it would be deprived of a large part of its efficiency, for it operates

not only upon the fears of criminals, but upon the habitual sentiments of those who are not criminals. Great part of the general detestation of crime which happily prevails amongst the decent part of the community in all civilized countries arises from the fact that the commission of offences is associated in all such communities with the solemn and deliberate infliction of punishment wherever crime is proved. . . . The sentence of the law is to the moral sentiment of the public in relation to any offence, what a seal is to hot wax. It converts into a permanent final judgment what might otherwise be a transient sentiment. . . . The infliction of punishment by law gives definite expression and a solemn ratification and justification to the hatred which is excited by the commission of the offence. . . . The criminal law thus proceeds upon the principle that it is morally right to hate criminals, and it confirms and justifies that sentiment by inflicting upon criminals punishments which express it." With this view I concur, except that the sentiment of hatred which is morally justifiable is not hatred of criminals, but of crime; and I would add that such hatred of crime is not only morally right, but of moral obligation, and that it is a sentiment which needs to be stimulated, developed and cultivated, rather than repressed.

In all our thinking upon this abstruse and difficult subject, two distinctions need to be kept constantly in mind. First, we must discriminate between a right and the exercise of that right, or between the right to punish and the obligation to punish. Sound public policy may dictate the waiving of this right in certain cases, and the overlooking of offences instead of punishing them; and society may, in the application of penalty to the individual, distinctly disclaim the intention to inflict pain for the sake of giving pain. But if society has the right to punish, it cannot part with that right, even by its own act. The right remains, even when in abeyance. The other distinction which we must make is between punishment, regarded as an act of justice, and the mode of punishment, which need not be vindictive, cruel or harsh. If, as I have said, the protection of society is a principal aim of punishment, that end should be made duly prominent, and no more pain should be inflicted than is necessary to secure that end. Practically, the only interest which society has in the punishment of crime is its repression or a reduction in its volume, either through the operation of the principle of fear, or through the reformation of the

criminal through the operation of the principle of love—love for the criminal as a man, which is not inconsistent with hatred of the crime of which he has been guilty.

It is objected to the retributive theory of punishment, that revenge is a sentiment unworthy of a man; to which it may be replied, that the theory of simple protection makes punishment spring from fear, which is equally a sentiment unworthy of a man. It is also objected that it is contrary to the teachings of the New Testament; to which it may be replied, that if the New Testament forbids the avenging of injuries, it no less explicitly forbids resistance to evil. Christ said: "I say unto you that ye resist not evil, but if a man will take away thy coat, let him have thy cloak, also." The Biblical argument, pushed to its extreme logical conclusion, proves too much; it has even been employed in defence of communism. It is no more conclusive, when urged against the satisfaction of justice by the punishment of crime, than when it is made to do service in favor of the dogma that capital punishment is ordained of God, and obligatory under all circumstances and in every age.

It is further objected to the retributive theory, that it rests upon the assumption that guilt can be measured, and that punishment can be adjusted to guilt, but all experience teaches that this assumption is without foundation. To this it may be answered, that the theory of simple protection rests upon the assumption that it is possible to measure the amount of injury inflicted upon society by particular criminal acts, and the danger to society resulting from the enlargement of the criminal—an assumption which is equally unfounded. Such is the imperfection of all human institutions, in consequence of the necessary limitations of the human intellect and conscience, that we might almost say, in the form of a paradox, that punishment does not punish, protection does not protect, and reformation does not reform; but this is no argument against either. We forever struggle to attain an ideal perfection which is forever beyond our reach.

The argument in opposition to the elimination of retribution from the criminal law has perhaps been presented with sufficient fulness for our present purpose. The argument in favor of the proposition that the protection of society is one object of the criminal law does not need to be presented, since there is no difference of opinion as to this point. It therefore only remains to add

a word with reference to the proper place of reformation in the scheme of criminal jurisprudence.

Upon this subject there are two extreme views, both of which number among their advocates men whose opinion carries weight. One is, that the reformation of the criminal has no place whatever in criminal jurisprudence; and the other, that it should be, though at present it is not, its sole animating purpose. The safer view appears to lie between these two extremes.

The criminal law seeks to protect society, first, against the repetition of criminal acts by the individuals by whom they were committed; and, second, against the spread of crime through imitation, for crime is in its nature highly contagious. Successful crime and crime unpunished provoke emulation on the part of others who are criminally predisposed. The deterrent effect of punishment must never be forgotten. That it does exert a deterrent influence, though sometimes disputed, is abundantly susceptible of proof.

Now there are but two ways by which the criminal himself can be prevented from the commission of fresh crimes; these have been called, by Recorder Hill, of Birmingham, reformation and incapacitation. There are many who seem to think that this easily remembered formula—reformation or incapacitation—sums up in a single phrase all that needs to be said or can be said on the subject of punishment. This would be true, if it were only the convicted criminal against whom the law must protect society. If the man who commits crime is incapacitated, by his execution, or by perpetual imprisonment, society is as safe from his attacks as it would be from the ravages of a wild beast which has been caught and securely confined. But incapacitation should never be resorted to, where reformation is possible. And reformation is itself incapacitation. It may be compared to the extraction of the teeth or claws of a wild beast; for, if the criminal is so wrought upon while in prison, that he no longer has any disposition to commit crime, society is protected against him in the surest manner, and in a way not to offend the sentiment of humanity, but, on the contrary, to elicit public approval and admiration.

The reformation of the criminal, therefore, should be kept in view as an end to be sought, and this end should be made very much more prominent in prison discipline than it is. It is to be feared that the organization of our prisons, (which is the out-

growth of popular ignorance of the principles involved), is such that in practice, at least, the idea of reformation is thrust into the back-ground, and in some prisons wholly ignored. What the people demand of a prison officer is that he shall hold his prisoners, and that he shall, if possible, make them pay their own way while in prison. All else is pretty much left to his discretion. The actual status of a prisoner is that of a slave. Undoubtedly many prisoners are reformed; some of them by genuine conversion of the heart to the love of right, but more of them through the fear engendered by the remembrance of the suffering endured in prison, which forces them to the conclusion that crime is an unprofitable career. But there is a very general conviction among prison officers, founded upon the persistence of certain types of criminal character, that the reformation of criminals is a chimera, and that the time and labor expended in this direction are wasted. My father, on the other hand, used to say, that until an earnest and honest effort to reform criminals while in prison shall have been made, and made by men inspired with the hope of success in such an effort, it will never be known what per cent. of criminals are in fact susceptible of reformation. Criminal law is one thing, but prison discipline is another; and while criminal law may have principally in view the repression of crime, prison discipline should have for its principal object the elevation of the criminal.

It is not surprising that persons who are more deeply interested in questions of prison discipline than in the philosophy of criminal jurisprudence should manifest a very decided leaning toward what is known as the indeterminate or indefinite sentence. There are two forms under which this theory is held, of which one advocates the abolition both of the maximum and minimum sentences now embodied in our criminal statutes; but the other would abolish the maximum only, while retaining the minimum sentence. But, they agree in regarding the criminal not as a transgressor to be punished, but as a moral invalid, to be healed, or a moral imbecile, to be trained and developed. The extreme view contemplates taking both from the legislature and the judiciary all discretionary power to formulate sentences for crime, and vesting this power exclusively in boards of prison control, or in special tribunals, authorized to discharge prisoners from custody whenever satisfied, from the evidence adduced, that the end of punishment in the

reformation of the criminal has been accomplished, or that society would not be endangered in consequence of his release. The other view equally deprives the judiciary of discretionary power in pronouncing sentence, but favors the fixing, by the legislature, of the maximum term of imprisonment. I do not propose to enter into any argument for or against the indeterminate sentence, which, in theory, has much to commend it, and, in some form and measure, might probably work successfully in practice; but I wish to remark that it must be discussed, not from the point of view of prison discipline alone, but upon the higher and broader level of its relation to the non-criminal class; that is to say, upon the basis of the principles which underlie the entire system of criminal jurisprudence, in all its parts. Prison discipline must be made to conform to justice and to the principles of law; but these cannot be subordinated to the fancied needs or interests of prison discipline.

If the indeterminate sentence rests upon the conviction that the reformation of the criminal is the sole object of punishment, then it must be rejected. For the reformation of the criminal, so far from being the sole object of punishment, is not even its principal object. If the view so generally entertained by prison officials, that the mass of criminals are irreclaimable, is correct, then the reformation theory founds the entire system of prison discipline upon the condition, needs, and capacities, not of the majority but of the minority of those who are by the law subject to imprisonment. The reply which will be made to this assertion, namely, that the indeterminate sentence contemplates the incapacitation of criminals who are insusceptible of reformation, and that the knowledge that society has determined either to reform or to imprison for life all who have committed any serious infraction of the law, will have a deterrent influence in the prevention of the spread of crime, is, in fact, a concession that reformation is not the sole object of imprisonment, nor even the principal object, but that the principal object of punishment is to deter men from the commission of crime, through the inspiration of fear.

There is nothing more difficult than to reconcile the dictates of justice with the suggestions of mercy. Religion is, and law should be, the minister of both. The apparent contradiction between the two is simply one illustration of the fact that truth is many-sided, and that all partial views of truth are essentially of

the nature of error. The total rejection of any one of the three theories of punishment upon which the criminal law rests, instead of indicating breadth and clearness of mental vision, evinces an imperfect and immature conception of the relations of the entire subject; and it is a mistake to suppose that the reformation theory, in its application to prisoners, involves, of necessity, any less pain and suffering on the part of the offender against law, than do either of the other two. Indeed, the formula, "reformation or incapacitation," contains in itself an element of additional severity, since it is an assertion of the right to imprison for life those who have been guilty only of minor offences, and it is questionable whether this right in fact exists, or is consistent with absolute justice.

Of the retribution theory, it may at least be said, that if it is an assertion of the right to inflict all the pain which a particular criminal act may merit, it is the denial of the right to inflict upon any human being any needless and unmerited pain.

NOTE.—Other Papers of the Jurisprudence Department will appear in the next number of the Journal. A Paper read in the Department of Local Economy will close this number.

HEBREW CHARITIES.

BY MISS MARY M. COHEN, OF PHILADELPHIA.

(Read Friday, September 12.)

The word charity has many meanings. "Kindness," "tenderness," and "active goodness" are among them; also "liberality to the poor;" but none appeals so strongly to the soul of man as this—"universal love to human kind." The Hebrew word *Tsedakah*, signifying "righteousness," has this large sense.

Charities are Hebrew inasmuch as they are dispensed by members of the Semitic race, chiefly, but by no means exclusively, to the suffering of that race. If a motto were desired for the Hebrew Charities, none better could be chosen than "universal love to human kind."

A verse of the book of Deuteronomy lays down the Divine precept of charity: "For the needy will not cease out of the land: Therefore do I command thee, saying, Thou shalt open wide thy hand unto thy brother, to thy poor, and to thy needy, in the land."* It was thus early impressed upon the Jewish nation that charity was a positive duty; not something to be left to the chance impulses of the occasionally tender heart, but a habit of unselfishness and consideration to be cultivated. The power of charity grew with the exercise, for, as a Hebrew sage has declared (and this truth has lately been turned into current gold for the world at large by the Midas-touch of noble George Eliot),—"The reward of performing one duty is the power to fulfil another." Jewish benevolence has become a proverb. The persecution of the Middle Ages—persecution such as no other people on the face of the earth has borne—increased the responsibility of the more fortunate Jews; they saw that the nations among whom they were scattered were far from wishing to aid the homeless, poverty-stricken Hebrews, unless, indeed, the outcasts would adopt the popular religion. Then alms and favors would have been lavished upon them. But principle forbade this course, and the Jew therefore depended solely on his brethren for aid.

There was no class of suffering humanity that the Divine code did not recommend to compassion. The fatherless, the widow, and the stranger—most emphatically the stranger—were frequently

* Deut. xv, 2.

commended to the tender and active sympathy of their happier brethren.

Innumerable special rules were laid down for the protection of the poor. If a loan were made, the lender could not enter the house of the borrower to take his pledge; the borrower brought it into the street, and delivered it there. In a case of great need, the lender was not permitted to keep the pledge over night; before sun-down it must be returned. The wages of laborers were to be paid on the very day that they were earned. Interest was not to be taken by any Hebrew from another. The practical application of these laws was generous to a degree far surpassing the letter of the text.

Among the measures designed to prevent poverty were, the law of the seven years' release, which obliged every creditor to release the loan made to his neighbor or brother;* and the institution of the Jubilee† every fiftieth year; these provisions restored money and land to those bereft of either, and with them restored that self-respect which is the highest incentive to greater exertion. They rendered impossible those extremes of poverty and wealth which give rise to the great problems of this century. And who shall estimate or express the ecstasy of the slave that, at the sound of the cornet, felt himself and his children *free*!

"So far as we can judge from the Scripture narration," says a thoughtful writer, "though there were poor in all the olden time, yet there were no *paupers*, that is, no *able-bodied* paupers supported by public charity.‡

A further instance of a law preventive of poverty was the decision of the inheritance of the daughters of Zelophchad.§ This was brought directly before the Divine tribunal. Infinite Wisdom defended the cause of those who might otherwise, on account of their sex, have been deprived of their only means of support.

Special kindness and generosity were commanded to be shown the Levites. They were of course entitled to the tithe and to the cities set apart for them, in return for priestly service.

Loving care for the dumb brutes was taught also; they were to share the blessing of a Sabbath.

* Deut. xiv, 1-2.

† Lev. xxv, 8-12.

‡ "Social Science in the Law of Moses," by Rev. H. L. Wayland.

§ Numbers xxvii.

The importance of *education* as a factor in diminishing poverty was not fully recognized by the Hebrews until after the first captivity, when education was made compulsory. Then schools spread abroad the incomparable light of knowledge; in the pithy words with which Deutsch translates the Talmud: "The world is saved by the breath of school-children." Then, too, mental training and manual labor grew side by side; the rabbi, doctor, teacher, was obliged also to learn some trade, so that if literary work became unprofitable, he might be saved from mendicancy by the honest toil of his hands.

The wise and humane spirit which characterized the Mosaic legislation continues to mould and inform the Hebrew Charities of to-day. In considering the present status of these charities, it may naturally be enquired:

I. What are the dimensions and amount of these charities? II. Are they extended to Hebrews only, or to all races and creeds? III. By what methods are they distributed? Are they preventive, tending to make recipients self-supporting? IV. Are they national or international?

I. The dimensions and amount of Hebrew Charities to-day assume large proportions. A recent attempt by a Jewish writer to obtain and publish statistics of these charities failed because of the vastness of material. Wherever civilization is found, there is the Hebrew charity.

Some of the most prominent organizations may be mentioned. First in rank is the Universal Israelitish Alliance, the most far-reaching of all. The Jewish Orders next. Then the United Hebrew Charities. Then—no less effective, though not as extended—Hospitals, Homes for Aged and Infirm, Foster Homes, Orphan Asylums, Charity Ball Associations, Free Burial Societies, Ladies' Aid Associations, Societies for Nursing the Sick, Loan Associations, Nurseries, Child's Protectories, Kindergartens, Free Schools, Children's Free Excursions, Sunday and Sewing Schools, Sheltering Guardian Societies, Industrial Schools. In every European city, and in almost every city of the United States, some of these are found. In London alone seventy societies exist.

Besides the public institutions are the numerous gifts by individuals, during life as well as by bequest. From time immemorial, it has been customary with Hebrews on the occurrence of

any domestic event—a birth, a marriage, an anniversary, even a death—to give liberally to the poor and afflicted. When Jewish festivals occur, the needy and the stranger are cordially invited to share the hospitality of the household.

II. These charities extend to all races and creeds. On May 14th, 1884, in Berlin, was held a conference of German Rabbis, sixty-nine of whom were from the provinces. At this conference was adopted a declaration on the interconfessional attitude of Judaism, from which the following is quoted :

“The precept of charity laid down in Lev. xix., 18,—‘Thou shalt love thy neighbor as thyself, I am the Lord,’—does not apply only to brethren in race or faith, but like the precept of Righteousness in Lev. xxiv., 22,—‘Ye shall have one manner of law, as well for the stranger as for one of your country,’—is to be regarded as an unrestricted command, embracing all men. Every one who manifests his humanity by the practice of righteousness and love, and by walking humbly before God, although he may have been born in another creed, is, in the judgment of Judaism, eligible for eternal salvation, according to the maxim of Rabbi Joshua : ‘The righteous of all nations have a share in eternal salvation.’

These teachings are the fundamental motives of the interconfessional attitudes of Judaism. If in the extensive literature of the Jews, expressions are discovered which do not reach the height of this ideal, they are only to be regarded as the opinions of individuals, called forth by the pressure of the times, and possessing no binding virtue.”

To name but a few of the Hebrew philanthropists would be to prove that this creed is borne out by deed. The benevolence of such men and women as the Montefiores, Rothschilds, Goldsmids, Jessels, Cremieux, Baron de Worms, de Hirsch, the Oppenheims, Touros, Gratzes, Michael Reese, Jacob H. Schiff, Julius Hallgarten (the munificent gift of the last including members of the colored race as recipients) knew no limit of nation or sect. A recent essay* by an able writer not identified with the Hebrew race, says, in speaking of Jews in the United States :

“The number of Hebrews among us is less than 300,000, of which about one-fourth are in the city of New York. * * * their princely charities abound in all our large cities, and according to their custom are for the most part open to all creeds. Their educational institutions are of every kind.”

The heavenly gift of liberty which Hebrews enjoy in this

* “The Modern Jew: his present and future,” by Anna Laurens Dawes. Reprinted from *The American Hebrew*. 1884.

country of unique and happy freedom fosters the spirit of charity, and much is also due to the unaffected good-will and sympathetic interest of the non-Israelites by whom they are surrounded. Mutual love and labor, a sense of the Fatherhood of God and the brotherhood of man, unite all souls in the everlasting tie of righteousness.

III. In order to consider the methods by which Hebrew Charities are distributed, a brief examination of the chief organizations becomes essential. But it may first be stated that, warned by the greatly impoverished condition of the poorest classes, and noting the admirable principle followed by other charities, Hebrews are striving above all things to render their charities *preventive*, that is, helping the poor before they become helpless, thus aiding them to be self-supporting.

The Universal Israelitish Alliance was founded in 1860, and will celebrate its twenty-fifth anniversary next year (1885). The seat of the society is in Paris, with branches in various parts of the world. It is supported (not as fully, however, as could be wished,) by contributions from Jewish societies and individuals throughout the globe. It aims to help and improve the condition of the Jews, especially in lands where they have been oppressed, and hence stand greatly in need of such aid.

* "It has established and supports schools in the Turkish provinces, in North Africa, in Servia, Bulgaria, and Palestine. Hopes are entertained of extending the system to Russia and Roumania. * * * These schools imply the identification of Hebrew children with the scions of the most progressive races of the age. Modern languages, modern science, handicrafts, and even agricultural labor are the departments which enlist the active interest of true friends of the oppressed. * * * The large and well-ordered schools at Tunis have sensibly contributed to the social and political improvement of the Jewish population. * * * In Palestine the modest beginnings, including the Jaffa Agricultural School, promise rich fruition. * * * So highly are the schools appreciated at Constantinople that the Sultan has conferred public honors on the representatives of the Alliance at the capital, as well as at Smyrna, and Bagdad."

A recent writer in the London *Jewish Chronicle* describes the Jews in Cochin as miserably poor; perhaps in time the Alliance may be able to uplift these impoverished ones into a higher existence.

* See Report of Board of Delegates on Civil and Religious Rights, 1884: *Jewish Messenger*, July 18th.

There are four Jewish Orders in the United States; their objects the moral, social and intellectual advancement of Israelites, as well as the promotion of all benevolent undertakings; the payment of pecuniary benefits to members in case of sickness, and in case of death endowments of \$1,000 to their families. These Orders are:—The Independent Order Benai Berith, the Independent Order Free Sons of Israel, the Order Keshet Shel Barzel, and the Improved Order Free Sons of Israel. There are several female Orders attached, and others, independent.*

The Benai Berith (Sons of the Covenant), for the five years ending December, 1878, paid for sick and endowment benefits \$1,007,-089.54.

Keshet Shel Barzel (The Band of Iron) paid in 1878, for similar purposes, \$129,803.23.

Improved Order Free Sons of Israel, in 1879, paid \$39,038.88.

A vast amount of assistance is thus given, just when and where it is most needed. Some of the leading minds, however, among the several Orders are in favor of consolidation into one. Mr. Simon Wolf, of Washington, Chairman of the Executive Committee of the third Order, in his recent report, says: "Let the organization embrace all Israel, of all ages and opinions; let us, in short, have an American Alliance, similar to the Universal, and yet embracing subjects wholly different and distinct. Let Education be one object. Let Benevolence and Charity, including asylums, homes and hospitals, be another. Let Endowment (if necessary) be still another. Let Religious and Civil Rights be another."

The United Hebrew Charities had its rise in Philadelphia, and tells its own story thus:

"Fourteen years ago an experiment was tried in Philadelphia in amalgamating a number of Hebrew Charities, and its failure was predicted. * * * Two prominent reasons were given; one was that such a society would surely die for want of support; for people would not contribute as much to one as they had been accustomed to give to six; the other, that even if life should flicker in a sickly way in such an organization, the work that had been done by six could not be performed by one. * * * It must be admitted that a trial for fourteen years is a fair test. The union did not die, nor lead a sickly existence, but took a firm

* See "Statistics of the Jews of the United States," compiled by Wm. B. Hackenburgh, under authority of Board of Delegates, etc., Philadelphia, 1880.

hold at once upon the affections and sober judgment of the Israelites in this city. Its revenues have been larger than all of the six combined. Its work has been more thorough and systematic than six or sixty of the former societies without a bond of connection, and invariably working at cross-purposes. It has prevented begging from house to house, where with lying tales the worthless imposed upon the kind-hearted of our people. * * * The society has given with a liberal hand to the poor, and cared for the sick; has sheltered the homeless, and buried the dead; it has brought to bear its forces and the power of the law to protect the oppressed against his oppressor; it has in many cases lifted up the lowly from degradation to self-reliance and self-respect; and some of those who were supported by it now not only earn their own livelihood, but also contribute from their means to sustain this charity * * * It was the first in this country that demonstrated the great forces of union; and its plan and system have been copied and followed in many of the leading cities of the United States.”*

The Board of Government is aided by a Ladies' Associate Committee; each member works in an appointed district, and makes full reports of cases to the Board; except in instances of pressing need, relief is not granted until the report is received.

The temperance of the Hebrews is a power in decreasing poverty. Insobriety is rarely, if ever, found among them.

The United Hebrew Charities of New York City, and the Hebrew Education Society of Philadelphia, (the latter founded by Judah Touro), have started Industrial Schools. There is no doubt that the industrial feature will lead in all the charities of the future. It must be of supreme benefit to the whole community as well as to the race shut out for centuries from every pursuit but commerce. In this country the work of educating poor children by means of kindergartens and industrial schools has received a strong impetus from the efforts of Dr. Felix Adler of New York. The Young Men's Hebrew Association of that city, though hardly coming under the title “charitable,” yet has extended its educational work to the poor Russian Jewish emigrants; the gifted Emma Lazarus also bestows time and energy on the task of lifting the suffering and ignorant into a happier state.

IV. Hebrew Charities are international. This has been clearly shown in the nineteenth century. One man—the now venerable Sir Moses Montefiore—has led thousands in the direction of unlimited philanthropy. Men like Cremieux, Lowe, Laurence Oli-

* Annual report of U. H. C., Philadelphia, 1884.

phant, have undoubtedly had their sympathies enlarged and their powers strengthened by his influence. In 1840, when Damascus Jews were tortured and imprisoned on the false charge of using human blood at their Passover service, Montefiore, accompanied by friends, went to Egypt, and, interceding for the Jews at the throne of the Viceroy, obtained their immediate release. In 1846, when the late Emperor Nicholas of Russia enacted most cruel laws against his Hebrew subjects, Montefiore personally requested the Emperor not to execute those measures. In 1859, when the Mortara child was taken from his parents, Montefiore visited Rome, and entreated Antonelli to restore the child. When, in 1861, the Morocco Jews and Christians were suffering heart-rending persecutions, it was again Montefiore who obtained a charter of protection for them from the reigning Sultan. This large-hearted man has also sought the welfare of his Jerusalem brethren, giving them means wherewith to erect schools, and personally urging them to become interested in agriculture.

In 1882, Russian persecution forced many Jews of that country to emigrate to more hospitable lands. Then not the Hebrew heart alone melted with compassion, but all humanity cried aloud. Then cities and countries made solemn protest against these cruelties, and demanded redress. The Czar, threatened alike, though for different reasons, by the upper and the lower classes of his people, has remained supine. The London Mansion House fund and various other funds, here and abroad, have been formed to aid the oppressed to depart from Russia to lands of liberty. Many of the persecuted have colonized in Palestine, Canada, and America. The Hebrew Emigrant Aid Society of New York planted the "Alliance Colony" in New Jersey. Of the seventy families settled, fifty remain. Each family tills its own piece of ground. In the cigar factory established there, skilful workmen earn six dollars a week, and still keep their farms in order. The people are very industrious, intelligent, sober, and moral. The system has made many of the colonists self-respecting men and women.*

An event approaches which will draw universal attention to the international character of Hebrew charities. On the 26th day of October will be celebrated the hundredth birthday of the great Hebrew philanthropist, Sir Moses Montefiore. The four seasons

* See Letter from Cyrus Adler to *Philadelphia Public Ledger*, August 1st, 1884.

of life have shed their glories upon him. The crown of winter encircles his brow, but the youth of spring is still in his soul; autumn gently whispers of rest, but the genial warmth of summer throbs yet within his heart. All peoples arise to do him honor. All bless the "God of the spirits of all flesh" who has permitted his servant for a hundred years to rejoice and benefit humanity.

"Life hath he asked of Thee, Thou gavest it to him,
Length of days for ever and ever." — Psalm xxi, 5.

Greetings of peace to thee, oh venerated sage,
We gladly sing,
And glowing praises of thy ripe and noble age
With joy we bring,
Offering our hearts' pure tribute, joined with earnest prayer,
That the Divine Protector keep thee in His care.

Thou didst beseech thy God for long and useful days,
As did the king
Of whom the Psalmist wrote in his immortal lays;
So wilt thou cling
More closely still unto the Everlasting Arms
Which held and shielded thee midst perilous alarms.

Eventful hours have swept above thy gracious head,
But thou wert strong!
The furious storms of hatred plunged thy race in dread,
Yet no real wrong
Went unredressed by thy courageous, rescuing hand,
Oppressors raised the yoke before thy mild command.

One voice of grateful millions comes from land and sea,
To bless thy name!
To countless Israel may its fragrance ever be
Of priceless fame:
With Israel's God may be thy last, sweet, full repose,
And on His glory may thy heavenly eyes unclose!

AMERICAN SOCIAL SCIENCE ASSOCIATION.

CONSTITUTION,

LIST OF OFFICERS, COMMITTEES AND MEMBERS,

1884-5.

BOSTON, DECEMBER 1, 1885.

THE AMERICAN SOCIAL SCIENCE ASSOCIATION

Was organized in October, 1865, at a public meeting in Boston, at which the late Governor ANDREW presided. Its Presidents have been Prof. W. B. ROGERS, SAMUEL ELIOT, GEORGE WILLIAM CURTIS, President WOOLSEY, DAVID A. WELLS, President GILMAN, of Baltimore, Professor WAYLAND, of Yale, and General EATON, of the U. S. Bureau of Education, who now fills the office; its Secretaries, SAMUEL ELIOT, HENRY VILLARD, and F. B. SANBORN. It now has members in nearly all sections of the United States, numbering in all between 300 and 400.

Its object, stated briefly, is to encourage the study of the various relations, social and political, of man in modern life; to facilitate personal intercourse and the interchange of ideas between individuals interested in promoting educational, financial, sanitary, charitable, and other social reforms and progress; and promptly to make known to the public all theoretical or practical results which may flow from such studies or investigations. To some extent these ends have been successfully attained, by the organization and growth of the Association, and the periodical public meetings of the members, with the accompanying reading of papers and discussions.

Our income has hitherto been sufficient to meet our expenses; but it has been necessary to rely upon sources which may be called extraordinary. The Association has no funded property; its *regular* income is composed mainly of annual payments from members, which amount to less than \$1,600 *per annum*. The cost of publishing two numbers of the Journal (about 400 pages, 8vo.) is \$700; the salary of Secretary, expense of annual meetings and incidentals, \$800 more, in round numbers, or a total of \$1,500. It is thought that the time is come when we may confidently appeal to the general interest felt in Social Science throughout the country, for the purpose of establishing our finances upon a solid basis, by enlarging our list of members to 500 or 1,000. It is believed that an institution supported in this way, and relying on a wide-spread popular feeling of interest, will not only stand firmer, but will accomplish its educational object far better than if (as hitherto), supported by a few subscribers. In order to avoid misapprehension and prejudice, it may be stated that while the Association welcomes all new ideas, and encourages the greatest freedom of intelligent expression and debate, it does not hold itself responsible for the opinions of its individual members.

Membership is obtained by the annual payment of five dollars. This confers the right to take part in business meetings of the Association, and to vote in election of officers, and entitles one to receive its publications free of expense. The publications consist chiefly of the "Journal of Social Science," which includes the results of the work of the Association, more especially the proceedings and papers of the General Meetings.

It would seem that the desired increase in membership ought to be easily obtained; and the Council believe that it can be, if those who read this will become members, and aid in interesting others.

Publications can be obtained and information had by addressing F. B. SANBORN, Concord, Mass., or the Publishers for the Association, A. WILLIAMS & Co., Boston, and G. P. PUTNAM'S SONS, New York.

CONSTITUTION.

[It will be seen that under the Constitution, as here printed, a new organization of the officers of the Association has been made,—what was formerly called the Executive Committee, being now the Council.]

The Constitution, as amended January 14, 1880, is as follows :

I. This Society shall be called the **AMERICAN SOCIAL SCIENCE ASSOCIATION.**

II. Its objects shall be classified in five departments : the first, of Education ; the second, of Health ; the third, of Trade and Finance ; the fourth, of Social Economy ; the fifth, of Jurisprudence.

III. It shall be administered by a President, as many honorary Vice-Presidents as may be chosen, a Treasurer, a Secretary, and a Council, charged with general supervision ; five Department Committees, established by the Council, charged with the supervision of their respective departments ; and such Local Committees as may be established by the Council at different points, to serve as branch associations. The Council shall consist of the President, Treasurer, and Secretary, the Chairman and Secretary of each Department, and ten Directors, with power to fill vacancies and to make their own By-Laws. The President, Vice-Presidents, Treasurer, Chairman, and Secretaries of Departments, and Directors, shall be chosen annually by members of the Association, and shall hold office till their successors are chosen. The President, or in his absence, a Director, shall be Chairman of the Council. The Chairman of the Local Committees shall be chosen at the pleasure of their respective committees. Whenever a Branch Association shall be organized and recognized as such by the Council, its President shall be *ex-officio* one of the Vice-Presidents of the American Association, and, together with the Secretary and Treasurer, shall be entitled to all the privileges of membership in that Association. And whenever a Local Department shall be organized and recognized as such by the Council, its chairman shall become *ex-officio* a member of the parent Association. The Chairman and Secretary of each Department, with the consent of the President of the Association, may appoint such special Department Committees as they may think best. The General Secretary shall be elected for three years, unless he resigns, or is removed by a two-thirds vote of the members present and voting in a regular meeting of the Council ; and out of his compensation he may pay the salary of an Assistant Secretary, who may also be Secretary of one Department.

IV. Any person may become a member by paying five dollars, and may continue a member by paying annually such further sum as may be fixed at the Annual Meeting, not exceeding ten dollars. On payment of one hundred dollars, any person may become a life-member, exempt from assessments. Honorary and corresponding members may be elected, and exempted from the payment of assessments.

V. The Council shall have sole power to call and conduct General Meetings, and to publish the Transactions and other documents of the Association. The Department Committee shall have power to call and conduct Department Meetings.

VI. No amendment of this Constitution shall be made, except at an annual meeting, with public notice of the proposed amendment.

OFFICERS OF THE ASSOCIATION, 1884-1885.

President, JOHN EATON, Washington, D. C.

First Vice-President, FRANCIS WAYLAND, New Haven Ct.

Vice-Presidents.

DANIEL C. GILMAN, Baltimore, Md.	HENRY HITCHCOCK, St. Louis, Mo.
MARTIN B. ANDERSON, Rochester, N. Y.	THEODORE D. WOOLSEY, New Haven.
THOMAS C. AMORY, Boston.	HENRY B. BAKER, Lansing, Mich.
RUFUS KING, Cincinnati.	T. M. POST, St. Louis.
MRS. JOHN E. LODGE, Boston.	NATHAN ALLEN, Lowell.
MISS MARIA MITCHELL, Poughkeepsie, N. Y.	HENRY VILLARD, New York.
MRS. CAROLINE H. DALL, Georgetown, D. C.	HUGH THOMPSON, Columbia, S. C.
WALTER HILLMAN, Clinton, Miss.	JOHN M. GREGORY, Washington, D. C.
	R. A. HOLLAND, New Orleans, La.

General Secretary, F. B. SANBORN, Concord, Mass.

Treasurer, ANSON PHELPS STOKES, 45 Wall St., New York.

Directors.

DORMAN B. EATON, New York.	T. W. HIGGINSON, Cambridge.
HORACE WHITE, "	GEORGE T. ANGELL, Boston.
CHARLES A. PRABODY, "	H. L. WAYLAND, Philadelphia.
JONAS M. LIBBEY, "	J. L. M. CURRY, Richmond, Va.
F. J. KINGSBURY, Waterbury, Ct.	GEORGE W. CABLE, New Orleans, La.

Department Officers.

I. *Education.*—Prof. W. T. HARRIS, Concord, *Chairman*; Mrs. EMILY TALBOT, Boston, *Secretary*.

II. *Health.*—D. A. SARGENT, M. D., Cambridge, Mass., *Chairman*; Miss LUCY M. HALL, M. D., 191 Park Place, Brooklyn, N. Y., *Secretary*.

III. *Finance.*—CARROLL D. WRIGHT, Boston, Mass., *Chairman*; Prof. HENRY C. ADAMS, Ithaca, N. Y., *Secretary*.

IV. *Social Economy.*—F. B. SANBORN, Concord, *Chairman*; Mrs. HENRY WHITMAN, Boston, *Secretary*.

V. *Jurisprudence.*—Prof. FRANCIS WAYLAND, New Haven, *Chairman*; Prof. WILLIAM K. TOWNSEND, New Haven, *Secretary*.

Executive Committee.

Gen. JOHN EATON, *President*; F. B. SANBORN, *General Secretary*; ANSON PHELPS STOKES, *Treasurer*; Mrs. EMILY TALBOT, *Education Secretary*; Dr. L. M. HALL, *Health Secretary*; Prof. FRANCIS WAYLAND, *Jurisprudence Chairman*; CARROLL D. WRIGHT, *Finance Chairman*; Mrs. HENRY WHITMAN, *Social Economy Secretary*.

AMERICAN SOCIAL SCIENCE ASSOCIATION.

DEPARTMENT COMMITTEES—1884-5.

Education Department.—Prof. W. T. Harris, Concord, Mass.; Pres. F. A. Walker, Boston; T. W. Higginson, Cambridge, Mass.; Justin Winsor, Cambridge, Mass.; A. R. Spofford, Washington, D. C.; W. F. Poole, Chicago, Ill.; Samuel S. Green, Worcester, Mass.; Prof. G. P. Brown, Terre Haute, Ind.; W. T. Switzler, Columbia, Mo.; John Hitz, Washington, D. C.; Prof. Alpheus Hyatt, Boston, Mass.; Mrs. Martha E. Ware, St. Louis, Mo.; Mrs. Rebecca D. Rickoff, Yonkers, N. Y.; Pres. F. A. P. Barnard, New York; Gen. S. C. Armstrong, Hampton, Va.; Louis F. Soldan, St. Louis, Mo.; Rev. Washington Gladden, Columbus, O.; Rev. A. D. Mayo, Boston; Miss Sarah E. Doyle, Providence, R. I.; Miss Alice E. Freeman, Wellesley College, Mass.; Mrs. Ellen H. Richards, Boston; Prof. Edward C. Pickering, Cambridge, Mass.; Edwin P. Seaver, Boston; G. Stanley Hall, Baltimore, Md.; Mrs. Emily Talbot, Boston.

Health Department.—D. M. Sargent, M.D., Cambridge, Mass.; E. M. Hunt, M.D., Metuchin, N. J.; Walter Channing, M.D., Boston; D. F. Lincoln, M.D., Boston; W. G. Wylie, M.D., New York; Prof. W. H. Brewer, New Haven, Conn.; J. C. Hamilton, M.D., Mobile, Ala.; George E. Waring, Jr., Newport, R. I.; J. S. Billings, M.D., Washington, D. C.; Charles B. White, M.D., New Orleans, La.; Henry B. Baker, M.D., Lansing, Mich.; John Rauch, M.D., Springfield, Ill.; E. C. Seguin, M.D., New York; A. N. Blodgett, M.D., Boston; Mary Putnam Jacobi, M.D., New York; C. F. Wingate, New York; H. P. Bowditch, M.D., Boston; Emily F. Pope, M.D., Boston; Lucy M. Hall, M.D., Brooklyn, N. Y.

Finance Department.—Carroll D. Wright, Boston, Mass.; Hamilton A. Hill, Boston; George Walker, Paris, France; George S. Coe, New York; F. A. Walker, Boston; B. B. Sherman, New York; J. M. Gregory, New York; Joseph D. Weeks, Pittsburgh, Penn.; Edward Atkinson, Boston; William F. Ford, New York; Robert P. Porter, Chicago, Ill.; Frederick W. Foote, New York; B. F. Nourse, Boston; H. W. Farnam, New Haven, Ct.; Henry C. Adams, Ithaca, N. Y.

Jurisprudence Department.—Prof. Francis Wayland, New Haven, Ct.; Charles A. Peabody, New York; Prof. Henry Hitchcock, St. Louis, Mo.; Rufus King, Cincinnati; Prof. Carleton Hunt, New Orleans; Prof. T. W. Dwight, New York; E. Coppée Mitchell, Philadelphia; A. R. Lawton, Savannah, Ga.; F. J. Dickman, Cleveland, Ohio; B. H. Bristow, New York; Anthony Higgins, Wilmington, Del.; J. C. Parsons, Hartford, Ct.; E. J. Phelps, Burlington, Vt.; Emerson Etheridge, Memphis, Tenn.; Peter Hamilton, Mobile, Ala.; Theodore Bacon, Rochester, N. Y.; Theodore S. Woolsey, William K. Townsend, New Haven, Ct.

Social Economy Department.—F. B. Sanborn, Concord, Mass.; Robert Treat Palne, Jr., Boston; F. H. Wines, Springfield, Ill.; Charles L. Brace, New York; Rev. Oscar C. McCulloch, Indianapolis, Ind.; Rev. Frank Russell, Mansfield, Ohio; William P. Letchworth, Portageville, N. Y.; Mrs. Clara T. Leonard, Springfield, Mass.; Mrs. Florence Bayard Lockwood, New York; Miss Mary M. Cohen, Philadelphia; Robert T. Davis, M.D., Fall River, Mass.; Mrs. Henry Whitman, Boston.

MEMBERS OF THE ASSOCIATION.

[All Officers are *ex-officio* members of the Association; but persons serving on Department Committees may or may not be members of the Association. In the present list the annual members are given alphabetically, without reference to States; then the life members follow, classified by States, and finally the honorary and corresponding members. The only distinction between honorary and corresponding members is that the former reside in the United States, the latter in foreign countries. It is a rule of the Association to drop from the list of annual members those who have not paid their assessment for two years; but members so dropped can be restored to the list by paying their arrears. If former members do not find their names on the list as it now stands, it will generally be for the reason just mentioned.]

No List of Members of the Association, as printed, can ever be quite complete, so many changes occur by death and withdrawal, the accession of new members, etc. The following list is as complete as the Secretary could make it, up to Dec. 1, 1884, but, no doubt, the addresses of several members are wrong, and there are instances of names misprinted, etc., of which the Secretary will thank any person to notify him when the fact is observed.]

ANNUAL MEMBERS.

Adams, Prof. Herbert B., Baltimore, Md.	Ashburner, William, San Francisco, Cal., 1014 Pine Street.
Adams, W. Irving, New York City, 419 Broome Street.	Atkinson, Edward, Boston.
Allen, Dr. Nathan, Lowell, Mass.	Baker, Henry B., Lansing, Mich., State Board of Health.
Amory, T. C., Boston, 19 Commonwealth Avenue.	Baldwin, Prof. S. E., New Haven, Ct.
Amory, Wm., Boston, 60 State St.	Bancroft, Dr. J. P., Concord, N. H.
Anderson, Dr. M. B., Rochester, N. Y.	Barnum, Hon. Wm. H., Lime Rock, Conn.
Andrews, Israel W., Marietta, Ohio. Prest. Marietta College.	Bartlett, Geo. B., Concord, Mass.
Angell, J. B., LL.D., Ann Arbor, Mich.	Battell, Hon. Robbins, 74 Wall St., P. O. Box 994, N. Y.
Anthony, Henry B., Providence, R. I., 9 Benefit Street.	Belcher, G. C. W., St. Louis, Mo. (Belcher Sugar Refining Co.)
	Bessey, Dr. William E., Montreal, Canada.

- Billings, Frederick, 279 Madison Av., New York.
 Bird, F. W., East Walpole, Mass.
 Bissinger, Philip, New York City, 22 St. John St.
 Bittinger, J. B., Sewickley, Pa.
 Blake, Stanton, Boston, 80 Kilby St.
 Blatchford, E. W., Chicago, Ill., 375 North La Salle St.
 Bond, Charles H., Middletown, Conn.
 Bond, Frank S., Marshall, Texas.
 Bonney, Dr. Franklin, Hadley, Mass.
 Bowker, R. R., New York City, Franklin Square.
 Brace, Charles L., New York City, 19 East 4th St.
 Bradford, Rev. A. H., Montclair, N.J.
 Braman, J. C. Boston, Mass., 50 State Street.
 Breed, W. J., Cincinnati, Ohio.
 Brewster, Lyman D., Danbury, Conn.
 Brockway, Z. R., Elmira, N. Y.
 Brühl, Dr. Gustav, Cincinnati, Ohio, 82 Hopkins St.
 Brooks, Phillips, Boston, Clarendon Street.
 Buffum, Miss Fanny A., Linden Mass.
 Bull, Dr. Charles Stedman, 47 East 23d St., New York City.
 Bullard, W. S., Boston, 5 Mt. Vernon Street.
 Butler, Dr. John S., Hartford, Conn. U. S. Hotel.
 Chamberlain, Dr. C. W., Hartford, Conn.
 Chapin, Dr. J. B., Pennsylvania Hospital for the Insane, Philadelphia, Pa.
 Chase, George B., Boston, Mass., 234 Beacon Street.
 Chilton, Mrs. James R., care David Thurston, 5½ Pine St., New York.
 Church, Frederick E., Hudson, N. Y.
 Clark, Albert (1601 I St., N. W.), Washington, D.C.
 Clark, J. S., Boston, Mass., 7 Park Street.
 Coe, Mrs. Geo. S., Englewood, N. J.
 Cohen, Miss Mary M., 1828 Rittenhouse Square, Philadelphia, Pa.
 Colby, James F., New Haven, Conn.
 Coleman, E., 3209 Powelton Avenue, Philadelphia, Pa.
 Collamore, Miss H., Boston. 115 Beacon Street.
 Collier, M. Dwight, New York.
 Comstock, T. Griswold, M.A., M.D., St. Louis, Mo., 507 N. 14th St.
 Converse, Charles A., Norwich, Conn.
 Converse, Miss Emma M., 41 College Street, Providence, R. I.
 Coolidge, T. Jefferson, Boston, Mass. 60 State Street.
 Corning, Erastus, Albany, N. Y., 87 State Street.
 Coxe, Eckley B., Drifton, Luzerne Co., Pa.
 Curtis, Geo. W., West New Brighton, Staten Island, N. Y.
 Dall, Mrs. Caroline H., Georgetown, D. C.
 Davies, Julien T., New York City, 120 Broadway (Davies, Work, McNamee & Co.)
 Davis, A. McF., Cambridge, Mass.
 Davis, Wm. H., Cincinnati, Ohio, 124 East Fourth Street.
 Dexter, Julius, De Laporte Av., Toronto, Can.
 Dexter, Wirt, Chicago, Ill.
 Dickerman, L., Hotel Eliot, Roxbury, Mass.
 Dimock, H. F., New York City, 8 West Street.
 Dike, Rev. S. W., So. Royalton, Vt.
 Doughty, W. H., Troy, N. Y.
 Dowd, Charles F., Saratoga, N. Y.
 Draper, Dr. Joseph, Brattleboro, Vt. (Vermont Lunatic Asylum).
 Dreyer, Ferdinand I., 1520 Spruce Street, Philadelphia, Pa.
 Dwight, Theo. W., New York City (Law School, Columbia College).
 Earle, Mrs. Ann B., Worcester Mass., 40 Summer Street.
 Earle, Dr. Pliny, Northampton, Mass.
 Eaton, Dorman B., New York City, 2 East 29th Street.
 Eaton, Hon. John, Washington, D.C. (Bureau of Education).
 Eaton, L. B., Memphis, Tenn.
 Edmonds, A. Lawrence, Boston, Mass, 118 Federal Street.
 Edmonds, Walter D., New York City (Temple Court).
 Eliot, C. W., L.L.D., Cambridge, Mass., 17 Quincy Street.
 Eliot, Samuel, Boston, 44 Brimmer Street.
 Eliot, Rev. T. L., Portland, Oregon.
 Farnam, H. W., New Haven, Conn.
 Fisher, Dr. Chas. H., Providence, R.I.
 Forbes, R. B., Milton, Mass.
 Force, M. F., Cincinnati, Ohio, 89 West 8th Street.
 Foote, F. W., Wall Street, New York City.

- Foote, Miss Mary B., Cambridge, Mass., 352 Howard Street.
 Foster, T. A., M.D., Portland, Me., 9 Brown Street.
 French, Francis O., New York City, 33 West 87th Street.
 Frothingham, Rev. Fred'k, Milton, Mass.
 Frothingham, Rev. O. B., Boston, Hotel Vendome.
 Gallaudet, E. M., LL.D., Washington, D. C.
 Gano, John A., Cincinnati, Ohio.
 Gates, Merrill E., LL.D., Pres. Rutgers' Coll., New Brunswick, N. J.
 Gilman, D. C., LL.D., Pres. Johns Hopkins University, Baltimore, Md.
 Gilman, Rev. Edward W., D.D., New York City (Bible House).
 Gladden, Rev. Washington, Columbus, Ohio.
 Goddard, Miss Matilda, Boston, 251 Newbury Street.
 Godkin, E. L., New York City, 115 E. 25th Street.
 Green, Samuel S., Worcester, Mass.
 Green, Jacob L., Hartford, Conn.
 Greenough, W. W., Boston, 24 West Street.
 Gregory, J. M., LL.D., Temple Court, New York City.
 Grew, Henry S., Boston, 89 Beacon Street.
 Groesbeck, W. S., Cincinnati, Ohio.
 Hale, Geo. S., Boston, 39 Court St.
 Hall, Mrs. M. B., Decatur, Ill.
 Harding, George F., Chicago, Ill.
 Harkness, Prof. A., Providence, R. I.
 Harris, Wm. T., Concord, Mass.
 Herrmann, Mrs. H., 59 West 56th St., New York.
 Higginson, T. W., Cambridge, Mass., 25 Buckingham Street.
 Higginson, Waldo, Boston, 131 Devonshire Street.
 Hildreth, J. L., Cambridge, Mass., 37 Brattle Street.
 Hill, Hamilton A., Boston, 23 St. James Avenue.
 Hitchcock, Henry, St. Louis, Mo., 404 Market St.
 Hitz, John, Washington, D.C.
 Hoadley, Geo., Cincinnati, Ohio, 3, 4, and 5 Masonic Building.
 Hollister, G. B., Cincinnati, Ohio.
 Holt, Henry, New York City, 14 East 54th Street.
 Homes, H. A., Albany, N. Y., (State Library.)
 Hooker, Mrs. I. B., Hartford, Conn.
 Horsford, Prof. E. N., Cambridge, Mass.
 Horton, S. D., Pomeroy, O.
 Hotchkiss, Justus S., New Haven, Ct.
 Howland, Richard G., Hope, R. I.
 Hunt, Dr. E. M., Trenton, N. J.
 Hunt, T. Sterry, LL.D., Montreal, Canada.
 Hutchins, John, Lawrence, Kansas.
 Hyde, C. M., Honolulu, Sandwich Islands.
 Ingaldsbee, Milo, South Hartford, Washington Co., N. Y.
 Jacobi, Dr. A., New York City, 110 West 34th Street.
 Jacques, David R., 55, Liberty St., New York City.
 James, Mrs. John W., Boston, 119 Boylston Street.
 Jüngst, W., Cincinnati, O., "Volksfreund" Office.
 Kellogg, Chas. D., 79 4th Ave., New York.
 Kellogg, Dr. John H., Battle Creek, Mich.
 Kimball, B. A., Concord, N. H.
 King, Rufus, Cincinnati, O., 95 East 3d Street.
 Kingsbury, F. J., Waterbury, Conn.
 Kraus, Prof. John, New York City, 7 East 22d Street.
 Lawrence, A. A., Boston, 13 Chauncy Street.
 Lee, Henry, Boston, 40 State Street.
 Leete, Dr. James M., St. Louis, Mo., 2912 Washington Avenue.
 Leonard, N. A., Springfield, Mass.
 Leonard, Mrs. C. T., Springfield, Mass.
 Lewis, Dr. Dio, Bible House, New York.
 Livermore, Rev. A. A., Meadville, Pa.
 Lowell, Mrs. C. R., New York City, 120 East 30th Street.
 Lyman, Arthur T., Boston, 18 Summer Street.
 Lyman, Theodore, Boston, 191 Commonwealth Avenue.
 Lynde, Mrs. Wm. P., Milwaukee, Wis.
 Macomber, A. E., Toledo, O.
 McLeod, C. A., Troy, N. Y.
 Magoon, Rev. E. L., 1819 Girard Ave., Philadelphia, Pa.
 May, Rev. Samuel, Leicester, Mass.
 McCandless, E. V., Pittsburg, Pa.
 Means, William G., Boston, 40 Water Street.

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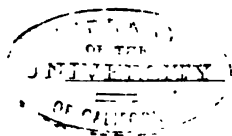
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PREFACE.

The Papers included in this number of the *Journal of Social Science* are less than half of the Saratoga Papers of 1884. As some misapprehension may exist in regard to the publication of Papers by the Association, it may here be said that all Papers, engaged for the General Meeting of the American Social Science Association, are so engaged with the understanding that they may be printed in the *Journal of Social Science*, if the Council so decide; if, therefore, the writers choose to publish their Papers elsewhere, (to which the Council offers no objection), it must be with the stipulation that these Papers may also be published in the *Journal*, at the option of the Council as to the time of publication. Several of the Papers read at the last General Meeting have been omitted from the *Journal* No. XIX and the present Number, at the request of the authors or for other reasons.

ERRATUM. — The date of the reading of Dr. HARRIS's Address, and Mrs. TALBOT's Report, was September 9, 1884, and not September 4 as printed.

I. PAPERS OF THE EDUCATION DEPARTMENT.

I. ON THE FUNCTION OF THE STUDY OF LATIN AND GREEK IN EDUCATION.

AN ADDRESS BY PROF. W. T. HARRIS, CHAIRMAN OF THE DEPARTMENT OF EDUCATION.

(Read Tuesday, September 4, 1884.)

All modern Christian nations make a study of Latin and Greek occupy the essential place in the course of study prescribed for a thorough education. Yet these are dead languages, so-called. They are no longer spoken by any people, and they are not used to any extent as a written language. Such a state of facts is calculated to arouse question and protest. Why should so much time be occupied in learning languages that are not to be used in writing or speaking?

When we ask how this happens, we are told that the study of language is the study of human nature, and that the Latin and Greek are the two most perfect tongues known to the world. Hence they form the best subjects to study for discipline, and for training in exact thought. Moreover, these languages exert a refining influence on those who study them.

Such reasons as are based on the "discipline," "exactness of thought," or "refining influence," supposed to be derived from their study, are somewhat vague, and need explication. So, likewise, the assertion that they are "perfect" languages.

Upon inquiry, we find that the Latin and Greek languages are spoken of by some as being "perfect," in the sense that they are complete as regards further growth, or by others as regards etymological inflections;—or, again, as regards syntactical organism; or, finally, as regards capacity for expression, whether artistic, scientific, or historical. This designation of "perfect" does not seem to recommend itself as a substantial reason for the prominent place that Latin and Greek hold in education. In the first sense intended—that they are complete as regards growth—that they are "dead" languages,—they would have no advantages over the Anglo-Saxon, the old Norse, the Zend, the Sanscrit, or any

other dead language. Nor is it obvious at first glance why such completeness is an advantage. Why should we not study a living, organic growth wherein we can trace a process actually going on? Laws are manifested and revealed to us only in the actual changes which transpire within a process and not in its dead results. Again, if inflections are considered, what thoughtful man will assert that inflections are a mark of perfection? Is the Sanscrit more perfect than the Latin, because it inflects twice as much as the latter language? Does not maturity of spiritual development rather do away with inflections? Could the syntax of Greek and Latin do any more wonderful things than the syntax of Milton and Shakespeare? Could the language of Cicero express what that of Burke could not? Could the language of Plato and Aristotle express what Hegel and Schelling found German inadequate to express? It is doubtful if any of these questions could be answered in such a way as to defend Latin and Greek on the ground of perfection over all other languages. ✓

A far better ground is urged for classical study by English speaking peoples in the fact that it furnishes the root words to that part of our vocabulary which is more especially the language of thought and reflection, while the Teutonic or Gothic ground-work is the language of sensuous experience and of common life. Hence it happens that even a little study of Latin makes a great difference in the grasp of the mind as regards generalization and principles. Without Latin, the trope and metaphor underlying the abstract terms necessary to express all elevated sentiment or thought in English, and, more specifically, all scientific results, whether moral, legal, spiritual or natural—is not perceived or felt. Such trope and metaphor is the basis of abstract terms, and hence the latter have been called “fossil poetry.” To gain command of the resources of a language, one must revivify this poetic element, must acquire an ability to feel the trope and metaphor which it contains.

This argument for the study of Latin by English-speaking peoples holds good, in a greater or less degree, for the Romanic nations of modern times. But it is not so convincing when applied to the Germanic, Norse, and Slavonic peoples. It is when we come to look at the study of Latin and Greek, in its relation to all European culture, that we find a more satisfactory reason, and begin to see its truer and deeper psychological bearing.

The general principle which determines insight-giving studies is this ; they must be of such a kind that they lead the individual out of his immediate and familiar surroundings, and cause him to breathe the atmosphere and become familiar with the accessory conditions of an earlier historical stage of the people from whom he derives his culture and forms of civilization. Each stage of civilization is a product of two factors ; one factor being the antecedent stage of civilization, and the other factor being the new social force which modifies the former. Every stage of civilization goes down into succeeding ones in human history as a silent factor, still exercising a modifying influence upon them, but in an ever-weakening degree.

The education of the child, therefore, takes him out of his immediate atmosphere of feeling and desire, and bathes him in the rare atmosphere of the early infancy of his race. The nursery tales that greet his dawning consciousness — and later the fairy stories and mythological material that delight his youth are simply the transfigured history of the deeds of his race.

With the education of the school, begins the serious appropriation of the classics of his people, wherein he becomes by degrees conscious of the elements of his complex being. He finds one after the other the threads that compose his civilization ; threads that weave the tissue of his own nature as a product of civilization. The Chinese youth reads Confucius and Mencius and sees the universal type and model on which the Chinese world of to-day is formed. The Hindoo child listens to the stories of the Hitopadesa, and learns the Vedas and Paranas, and becomes conscious of the ideal principles of his caste-system. The young Turk reads the Koran, and learns to recognize the ordinances which direct and control the life of his fellow-men.

It will be acknowledged without dispute, that modern civilization is derivative, resting upon the ancient Roman civilization on the one hand, and on the Greek civilization on the other. All European civilization borrows from these two sources. To the Greek we owe the elementary standards of æsthetic art and literature. They have transmitted to us the so-called perfect forms. All culture, all taste, bases itself upon familiarity with Greek models. More than this, the flesh and blood of literature, the means of its expression, the vehicles in which elevated sentiment and ideal convictions are conveyed, largely consist of trope and

metaphor derived from Greek mythology. Before science and the forms of reflection existed, the first method of seizing and expressing spiritual facts consisted of poetic metaphor and personification. Images of sense were taken in a double meaning; a material and a spiritual meaning in inseparable union. We, and all European nations, — even the ancient Romans, — are indebted to Greek genius for this elementary form of seizing and expressing the subtle, invisible forms of our common spiritual self-hood. One can never be at home in the realms of literature without an acquaintance with this original production of the Greek people.

More than this, the Greek people, essentially a theoretically inclined race, advanced themselves historically from this poetic personification of nature towards a more definite abstract seizing of the same in scientific forms. With the Greek race, theoretical reflection is also indigenous. The Greek language is specially adapted to this function, and in the time of the historical culmination of the Greek race, appeared the philosophical thinkers who classified and formulated the great fundamental divisions of the two worlds, — man and nature. All subsequent science among European peoples has followed in the wake of Greek science; availing itself of Greek insights and piously using the very technical designations invented by the Greek mind for the expression of those insights.

The theoretical survey of the world in its two phases of development, æsthetical or literary, and reflective or scientific, is therefore Greek in its genesis; and a clear consciousness of the details as well as of the entire scope of that side of our activity, requires the use of the elementary facts that belong to the genesis or history of its development. A knowledge of Greek life, and literature is a knowledge of the embryonic forms of this great and important factor in modern and all future civilization.

The Roman contribution to modern civilization is widely different from that of the Greeks. Instead of æsthetic or theoretic contemplation, the Roman chooses the forms of the activity of the will for his field of view. He has seen the mode and manner in which man must limit his practical activity in order to be free. He must act in such a manner as not to lame and paralyze his own activity, nor mar the products of the activity of his neighbors. Let each one act so that his deed will not be self-destructive if adopted by all men. This is the Kantian formula for free moral

activity. Man is placed in this world as a race and is not complete as a single individual. Each individual is a fragment of the race, and his solution of the problem of life is to be found in the proper combination with his fellow-men so as to avail himself of their help, theoretical and practical. Theoretically, they will help by giving him the results of their experience in life ; their pains and pleasures, their mistakes and successes ; the theoretical inventory which they have taken of the world in its infinite details, and the principles they have discovered as the units which reduce those details to a system. Without this combination with his fellows, he remains an outcast, a mere embryonic possibility of man. How important, then, it seems to us, is this invention of the civil forms which make possible this combination and coöperation.

Other peoples, before the Romans and contemporary with them, may lay claim to this invention of the civil code. But their claims cannot be sustained. Moral and ethical forms in sufficiency they have ; but the civil form which gives and secures to the individual the circle wherein he shall exercise supremely his free will, and beyond the limits of which he shall submerge his individuality utterly in that of the State, the supreme civil institution — such a civil form elaborated into a complete code of written laws, we do not find elsewhere. It is, moreover, a settled fact in history, that modern nations have received their jurisprudence from the Roman peoples, modifying the same, more or less, to accommodate it to the developed spirit of the Christian religion.

It is essential for a correct view of this subject to consider carefully the nature of the forms of expression which must be used in order to define the limits of the free will. The code which expresses such limits must deal with prohibitions only, in so far as it defines crime. But it must furnish positive forms in which all agreements and contracts are to be defined. The full exercise of free will within the sphere allotted to the individual, is accomplished only by means of the institution of property. The complete idea of property implies the possibility of its alienation or transference to others. Contract is the form in which two or more wills combine, constituting a higher will. The Roman law furnishes the varied forms in which this higher will, essentially an incorporate will, is realized. This is the most important contribution of Rome to the civilization of the world. So important is contract to the Roman mind that it deifies soulless abstractions, seeing in them

incorporate powers. The State is its Jupiter, its Mars, its Juno, its Venus. The word *Religio* etymologically expresses the highest spiritual relation, as conceived by the Roman. He makes a vow, proposes a contract to his gods, and the gift of the god being obtained, he will faithfully fulfil his vow.

The Roman people possess, as individuals, a double consciousness, a limitation within the self, the self as supremely free within the circle of its property, the self as utterly submerged in a higher will, [that of the State], beyond its personal limit. All modern civilization, rooting as it does in Rome, which had conquered the whole world, receives as its heritage this double consciousness, and can never lapse back into the naive, childish consciousness of pre-Roman civilization. Just as the technical terms and expressions, the very categories in which literary and art forms, or philosophical and scientific forms are possible, are derived from a Greek source, so too, on the other hand, these most important civil forms of contract and incorporation and criminal definition are borrowed from Rome, and were originally expressed in Latin. Latin derivatives, in most of the European languages, still contain and define these distinctions.

To study Latin, just the mere language and its grammar, is to study the revelation of this Roman spirit in its most intimate and characteristic form. Language is the clothing of the invisible spiritual self of the people—a revelation of its primary attitude towards the universe. A study of the literature, politics, history, religion and law making of the Roman people is a still further initiation into the mysteries of this phase of modern civilization.

Comparative philology and sociology owe to society the duty of investigating the Greek and Latin languages with a view to discover the grammatical and logical adaptation of those languages to express the fundamental point of view of those peoples, the one theoretical, and the other practical, and also to ascertain how it is that they stimulate, by reaction upon the minds of those using those languages, the original, theoretical or practical tendency. The modern youth, by common consent in all modern civilized countries, is trained upon Latin and Greek as especial discipline studies. Little or no mention is made of the rationale of this process to the pupil. Very little is done to point out the relation between the facts obtained within the sphere of classic literature, and the modern facts which surround him. Nevertheless, these ancient facts concern, in one way or another, the genesis of the

modern facts, and all effective activity of the student's mind goes to the construction of bridges of relation from the one to the other. Merely by thinking the modern facts of our civilization through the prisms of the ancient facts, the classically educated man is able to decompose the compound rays united in the modern. All unconscious that the classical material of his education performs the function of a decomposing prism, or that the ancient facts are embryonic stages of the modern facts, the student finds that he has practical possession of a superior power of analysis and generalization, and that he is able to fix his attention upon a single strand of modern civilization, its political and legal forms, or its theoretical and its æsthetical, and use the same theoretically or practically. His facility is a real possession of the highest practical value, but he may not have any true theory of its existence or its origin. He may call it a college "fetich."

It is the subtlest and least observed or most rarely formulated expression of the spirit of the Greek and Roman peoples, namely, its impression upon the grammatical forms and categorical terms of their languages, that exercises the surest and most powerful effect on the classical student.

One may say that of a hundred boys, fifty of whom had studied Latin for a period of six months, while the other fifty had never studied Latin at all, the fifty with the smattering of Latin would possess some slight impulse towards analyzing the legal and political view of human life, and surpass the other fifty in this direction. Placed on a distant frontier, with the task of building a new civilization, the fifty with the smattering of Latin would furnish law makers and political rulers, legislators, and builders of the state.

In the same way, a smattering of Greek, through the subtle effect of the vocabulary and forms of Greek grammar, would give some slight impulse, not otherwise obtained, towards theoretical or æsthetical contemplation of the world. On the highest mountain ridge a pebble thrown into a rill may divide the tiny stream so that one portion of it shall descend a water shed and finally reach the Pacific ocean, while the other portion, following its course, shall reach the Atlantic ocean. It requires only a small impulse to direct the attention of the immature mind of youth in any given direction. A direction once given, subsequent activity of the mind follows it as the line of least resistance, and

it soon becomes a great power, or even what we may call a faculty. Certainly, it follows that the busying of the mind of youth with one form or phase of Roman life will give it some impulse towards directing its view to the forms of the law. Or, the occupation with the Greek language and life, will communicate an impulse towards literary and philosophical views of the world.

But Latin and Greek ought not to be advocated as a substitute for English literature, science, or mathematics. Each topic gives something to the mind; each one omits something.

The one who arranges the course of study must carefully ascertain the educational value of each branch of learning, and fix the proportion accordingly. The classical studies help to give perspective to the mind. They enable the pupil to become conscious of the separate tendencies that enter his life.

In the concrete world into which we are born, there are complex relations—an infinite manifold of historic tendencies and influences have mingled. The present life is like a web of cloth into whose texture are woven threads of the most diverse description and origin forming its warp and woof.

We are powerless to discriminate the elements which form our present life, because they are so complicated and blend into so close a unity.

If, however, we can leave the study of this complex result, and find an opportunity to investigate its elements in a separate form, and become familiar with their appearance by themselves, we shall acquire the capacity to recognize them when united in the life of the present.

Analysis must precede synthesis in conscious or scientific knowledge. In primitive or first knowing, there is little consciousness—a mere life of feeling. Cultivation of the intellect begins by analysis and follows with synthesis.

Thus, it is, that Latin and Greek are retained as most important studies in higher education. Latin and Greek are the languages of the two peoples that hinge European civilization to Asiatic civilization. The spirit of Asia—the Oriental world—is not in favor of the individuality of man—neither in religion, nor politics, nor art, nor science. There is an all-devouring primordial unity as deity (Brahm), which lacks the attributes of consciousness itself, and is hostile to any and all forms of human individuality. There is only despotism or irresponsible rule in the states of Asia;

only intellectual subordination in the Asiatic mind, and only the portrayal of such subordination in Oriental art and literature.

Greece and Rome form the entrance to the western civilization which unfolds individuality, and regards the human attributes as essentially divine and substantial.

The Greek mind, under the purpose of Providence, develops and expresses free intellectual insight under the form of science, and symbolizes freedom in all forms of art—gracefulness being the appearance of freedom in material guise.

The Greek has had this function so wholly to itself, that it is the source from whence the forms of theoretical insight are borrowed by all modern European peoples. Its sculpture, architecture, poetry (epic, dramatic, lyric), eloquence, history, and the like, have furnished models for the modern world. If we have departed from those models in our highest reaches in literary art or science, it is rather by additions to the Greek original than by new foundations.

The Greek mind furnishes us a sharp contrast to Asiatic absolutism and debasement of individuality. We feel at home with the Greeks when we come to them from a sojourn among Oriental nations.

What Greece has done for theoretic and art development of civilization, the Roman has done for political forms and usages. It is the law-making consciousness of the world. It emerges from Asiatic absolutism and irresponsible power, and defines rights and duties, and sets up these definitions as conscious standards which shall limit alike the governed and the governing. In the course of time the distinction of the law from the men who administer it, becomes so clear that constitutional forms are written out and acknowledged, and the people become so free that the obvious purpose of the state is declared to be the security of the people in a rational exercise of their individual powers. "Life, liberty and the pursuit of happiness" on the part of the individual subjects require laws and definitions, and for this, government is caused to exist, and all the machinery of legislative, judiciary and executive departments organized and perpetuated. The personal element of the government has been entirely concealed, and those who act in the government are governed by written laws like all their fellow-citizens.

Roman history is the history of the transmutation of rude violence—robber life—into mutual recognition of rights explicitly

stated and defined. The deeds of the human will have been the sole object of consideration through ages, and discrimination has been reached in regard to the effects of human actions — what can be done without injury to others, and what can not be done, has been slowly but surely discerned. The individual shall act so that his action may not collide with those of his fellow-men, and each action annul the other — but it shall take such a form that it reinforces the rational actions of his fellow-men. When the forms of reasonable action are discovered and defined, institutions become possible. “Institution” is a Latin word, and describes a spiritual existence created by the Roman mind. It is a spiritual combination of man with his fellow-men — just as a steam-engine or a mill is a material combination.

All modern State forms, municipal governments, corporations, public or private; all forms of justice, are based on the Roman contribution to civilization, and they are expressed in Latin words for the most part in all modern languages.

The study of Latin and Greek is a species of self-alienation, or estrangement, therefore, which familiarizes the mind with essential elements that enter modern civilized life — it familiarizes the mind with these elements in their early and independent forms, as they existed in history in their first origination and before they mingled and lost their separate significance. Familiarity with those elements in their early and isolated existence gives one power to recognize them in modern life.

Analytic power of mind which cannot recognize and trace out connectedly these great essential threads of social life, is not of much strength or value. It is not able to discriminate practically nor understand and decide on practical questions. It is hopelessly lost when one of the threads it is trying to see disappears under the meshes of other threads and comes up under some superficial change. It is the essential relation which Greece and Rome have to Modern civilization that makes the study of their spirit so important in modern education.

A study of Arabic or Sanscrit or Chinese, would have far more self-alienation or estrangement in it, but it would have no return to our modern life; it would furnish no keys to our situation — for Chinese and Arabian and East Indian life has not developed into our own but is an arrested development halting on the other side of the two great emancipations performed for us by Greece and Rome.

It happens that a very little study of Latin has an influence to put the mind into an attitude of observation of the activity of the will-power. The genius that formed the Latin language has everywhere impressed itself upon that language so that an acquaintance with its mode of expression habituates the mind to contemplating will-forms rather than intellect-forms; it is practical, rather than theoretic; it lacks the pronominal development in the form of the article, and suppresses the demonstrative method of defining which belongs to theoretic peoples. The Greek, on the other hand, has the perfection of pronominal development in the direction of the article, or demonstrative, and its use favors theoretical habits of mind. An infant of a few days or weeks old is made by its parent to hold the rattle-box in its right hand. After a few corrections, it becomes a second nature to grasp and hold things in its right hand. A very slight impulse at the beginning, makes a change in the entire body. For the right hand and arm grows much stronger and more skilful than the left. Finally, one hemisphere of the brain grows larger than the other, and one lung develops more than the other; each of the five senses develops one of its pair of organs, so that one side is the special organ of voluntary attention.

So a very slight impulse, derived from a few months study of the grammar and vocabulary of the Latin or Greek language, results in forming a habit of looking at essential forms which enter modern life, either on the side of the will or of the intellect, and the individual's view of the world is fixed for his whole life. His capacity to see and clearly define these forms, and to recognize their essential nature under protean shapes grows with his growth and strengthens with his strength.

If the few in a new community happen to have a mere smattering of Latin and the others of the community have none whatever, the business of expressing and administering the forms that relate to the combination of men into institutions will fall to those few. It makes little difference whether they have read Latin literature, and still less difference whether they have heard lectures on Roman institutions, or read about them. Six months' study of the Latin language does more to develop a habit of the mind to view will-forms than many years of mere study of Roman history or of Roman customs.

Thus, for ages, the mind of youth has been trained in the

schools on the two "dead" languages, Latin and Greek. For the evolution of the civilization, in which we live and move and have our being, issued through Greece and Rome on its way to us. We kindled the torches of our institutions — of the watch-fires of our civilization — at their sacred flames. The organism of the State, the invention of the forms in which man may live in a civil community and enjoy municipal and personal rights; these trace their descent in a direct line from Rome, and were indigenous to the people who spoke Latin. In our civil and political forms, we live Roman life to-day. That side or phase of the complex organism of modern civilization is Roman. Our scientific and æsthetic forms come from beyond Rome; they speak the language of their Greek home to this very day, just as much as jurisprudence and legislation pronounce their edicts in Roman words.

To assimilate this antecedent stage of existence, therefore, it is not sufficient to form an acquaintance with it by reading its history or literature in translations. The thorough assimilation of it in consciousness demands such an immediate contact with it as one gets by learning the languages of these people — the clothing of their inmost spiritual selves. We must don the garb in which they thought and spoke, in order fully to realize in ourselves these embryonic stages of our civilization.

If we now inquire what the substitution of a modern language — say German or French — for Latin or Greek would effect, the answer is clear that a modern language stands to English in the relation of co-ordination and not in any sense in that of presupposition. As immediate facts, German and French stand in need of explanation through evolution, just as much as the English does. Their civilizations are not embryonic stages of the English civilization, but derivative forms from the same source.

No one modern language is an embryonic type of another, nor does it present in its literature the embryonic form of the civilization of another people, even though it may be an "arrested development" of some type of civilization. To study the embryology of the butterfly, we must begin with the caterpillar, and not with the mosquito. So to understand the frog, we must study the tadpole and not the toad.

Schopenhauer says, that "A man who does not understand Latin, is like one who walks through a beautiful region in a fog;

his horizon is very close to him. He sees only the nearest things clearly, and a few steps away from him, the outlines of everything becomes indistinct or wholly lost. But the horizon of the Latin scholar extends far and wide through the centuries of modern history, the middle ages and antiquity."

In conclusion, let me formulate: The vocabulary of a language gives a person, to the extent he understands it, the view of the world attained by its race or people.

The vocabularies and syntax of the Latin and Greek languages give to the people of Europe and America, an insight into the embryonic part of their civilization, and help them to understand themselves, and to analyze the forms and usages of their intellectual and moral being.

"Know thyself," means, know the general forms and conditions which you must live in your life, unless you will fail to live well. To the self-knowledge of Americans and Europeans, then, some study of Latin and Greek is essential, and the most productive of all higher studies in directive power and practical ability to understand and deal with one's time and situation. As a practical matter for the people of Asia and Africa, a knowledge of Latin and Greek is also necessary if they are to make a thorough study of the character of the conquering nations of modern times.

II. REPORT OF THE SECRETARY, MRS. EMILY TALBOT, OF BOSTON.

(Read Tuesday, September 4, 1884.)

Never have the educational forces of the world been so active, aggressive and progressive as during the last few years. The old methods of dependence upon authority, of following precedents, of looking to the past for light and knowledge, have given way to the new methods of inquiring, examining, inventing, proving; searching for "short cuts" to practical knowledge, so that the individual may lose no time in getting into the full tide of work to be done. Within the memory of each one of us, to carry life and light to the heathen meant to bear the cross of personal consecration and the Gospel as taught by Jesus Christ. Today, this work means not only that, but it includes the miracle-working powers of steam and electricity; it means the creation of new wants, that new industries may creep in; it embraces the penetrating and enlightening power of the press; all these forces now conjoin to educate the world out of barbarism into a higher life. The rise and progress of one or another method of instruction, the supposed results of routine work in school or college, deeply concern the practical educator. The student of social science seeks to ascertain what the public are thinking, and how that thought is applied to the best interests of the race. A recent writer says; "Humanity wants to know how to keep itself alive, and well, and doing well; it wants brought up for consideration, the wrongs which oppress it, the evils which defile it, the crimes which degrade it; to have these causes investigated, and their remedies suggested." Among the interesting subjects connected with recent educational work, this paper will treat only of those which seem to reflect most truly the spirit of the present, or which promise to give an impetus to the civilization of the future.

SCHOOL SAVINGS BANKS.

Some of the greatest evils of the present time, which can hardly be considered too seriously, are the repudiation of debts, the

betrayal of pecuniary trusts, and generally dishonest methods in business. Education may do much to remedy these great evils. It may be assumed that the child who is early trained to deposit small savings in the bank is on the road to frugal and careful living; that the man who has been trained to habits of prudence and economy can be trusted. It was faith in the importance of a right beginning, and in the power of habit, which inspired a French teacher, M. Dulac, in 1834, to open a savings bank in his school. This habit among school children of depositing small savings, thus begun in France, has extended to Germany, Hungary, Italy, Belgium, and Holland. In France, the number of school savings banks in 1880, was 10,261, with 213,135 depositors. The whole amount thus deposited by children at that time was more than a million of dollars. M. Laurent, professor of civil law in the University of Ghent, said to the directors of the city schools, "Saving must be taught like any other virtue, by causing it to be practised. Children are the best agents of social reform. While small savings are of great value to all the children, they are specially so to the children of the poor, who see more pennies than larger coin, and for whom the habit of saving will be the only means of success in later years." This gentleman went from school to school to give the children practical lessons in economy, and thus, with the encouragement of the school commission, savings banks have been opened in many of the Belgian schools. In the city of Ghent, nearly one-third of the school children are now depositors. These savings banks are nowhere established by law, nor are they sustained by any government agency. They originate with, and depend solely upon the efforts of the teachers and scholars, and their success is due to the attractiveness of the idea of accumulating wealth, and the persistence and interest with which it is carried on.

The plan is very simple. After having made arrangements with the nearest bank, the teacher informs his pupils that he is ready to receive their small savings, and that, as soon as the deposit amounts to one franc, he will transfer them to the regular savings bank, and the scholar will receive a bank book. The teacher fixes a day in each week when deposits will be received. He keeps a register in which he enters the names of the pupils and the amounts deposited. Each pupil keeps a duplicate account. Sometimes the registers and the blanks for the duplicate accounts

are prepared by the pupils themselves, as an exercise in writing and in simple book-keeping. The business outside the school-room, with the savings banks, is also very simple. At the beginning of every month, the teacher adds up the deposits of every pupil, and in case they exceed one franc he deposits the even francs, and keeps the amounts of less than one franc on the register of the school savings bank. When the pupil leaves the school the bank book is passed over to its parent or guardian. No pupil can withdraw a whole or a part of his savings without the consent of his legal guardians.

A statement has recently been made, and to my knowledge, not contradicted, that the recent losses in this country through repudiation and defaulting equals the amount of the national debt. Whether this be true or not, the fact remains that more pains ought to be taken to form in our children habits of frugality and economy, if we would have the people of this country practise the virtues of honesty and fidelity.

PHYSIOLOGY IN SCHOOLS.

There can be little question that, to a certain extent, it is desirable to instruct children in regard to the functions and normal condition of the human system; yet this should be done with the greatest caution, otherwise erroneous and often injurious notions will be inculcated. Recently, legislation has been secured in the States of Michigan, New York, Vermont, New Hampshire and Rhode Island, requiring that "physiology and hygiene shall be taught in the public schools of these States, with special reference to the effect of alcoholic drinks, stimulants and narcotics upon the human system." The advocates of this law propose not only to introduce this proposed instruction into advanced schools, but according to the statute of Michigan, instruction in these special topics must be given to "all pupils in every school." Thus the pupils in primary, infant and kindergarten schools supported by the State *must* be instructed in "the effects of alcoholic drinks, stimulants, and narcotics on the human system." We think it quite time to enter an earnest protest against this method of nurturing children. This whole plan, however philanthropic may have been its origin and aim, is, to say the least, a misconception of the function and duty of the public school, and is impracticable in execution.

It is not proposed by this legislation to teach the normal, but the abnormal; not health, but disease; it is not physiology, but pathology; it is not temperance, but intemperance; a line of instruction the farthest possible from the true work of the public school. That it is impracticable in execution is apparent from the fact that teachers themselves cannot be prepared to give correct instruction upon "the effects of alcoholic drinks, stimulants and narcotics on the human system," where authorities differ so widely as to these effects, which are so unlike under different conditions. That incorrect, uncertain, or vague instruction on such a subject, would be futile or injurious, requires no argument. These laws have, without doubt, been framed for the purpose of instructing children as to the effects of inebriety. The Church calls it a vice; the State punishes it as a crime; and science considers it a disease; but whether it be vice, crime or disease, it is an unfit subject for children to study. Though it appears under the title of physiology, it is fair to presume that the statutes contemplate the study of this subject from the pathological or scientific standpoint, as a disease, marked by a progression of symptoms, which, if not arrested, go on to death. This disease, inebriety, arises sometimes from an inherited tendency, and sometimes from a weakened body or brain, which in its debilitated state craves stimulants. All the causes which produce this disease are not yet known. Neither are all the pathological conditions or the best methods of cure. Scientific investigators consider the field still an open one for research and inquiry, and would as soon require children to study the phenomena of cancer, consumption and lunacy as that of inebriety. The pushing of children into these abnormal fields of observation and study tends to produce the very effects which it is sought to prevent.

It is a curious phase in state legislation that without abrogating the laws which permit inebriety to be punished as a crime, it also compels the infants and youth of the state to study its etiology and symptomatology as of a disease. But one more step in absurdity remains to be taken and that a logical one—to teach the therapeutics of inebriety, as well as its etiology, to infants. We do not believe in the method of the old Greeks, who trained their children to avoid drunkenness by bringing a drunken man into their company; but hold that any person may well be debarred from service in the schools of the state who brings into the school-

room a tainted breath from the use of alcohol, an offensive odor from tobacco, a shaking hand from the misuse of coffee, an irritable temper from tea, headache, prostration and stupidity from chloral, chloroform or opium. Thus would we teach temperance in all things to our children. The civilization of today demands that the atmosphere of the school-room be pure and wholesome; that the instruction be adapted to the capacity of the pupils, and that a temperate and rational manner of living may be incited by the lives and examples of their instructors. On the other hand, let children suffer from long and continuous hours of confinement in school, let their brains be crammed and their bodies overworked, let their food be improper and their sleep deficient, and we shall soon discover morbid appetites and a craving for stimulants, which often lead the way to inebriety, lunacy, and kindred diseases.

VACATION SCHOOLS.

The gradual establishment of vacation schools in our large cities is an interesting study to observers of educational processes. These schools are the outgrowth of a tender and philanthropic sentiment among those who abound in charitable deeds. To keep the children of the poor from the noisy streets during the summer heat is the first object, — to occupy and amuse them rationally follows. But to divert and amuse should not be considered the chief end of vacation schools. In one of these schools (recently visited), where the primary object is not only to instruct but to teach the children to respect work, the results seemed to be happier and more successful than in those where the chief object is to amuse. This model vacation school numbers one hundred and thirty girls; the average attendance is one hundred and twelve. The first and last lesson each morning is in manners, a teacher being always at the door to properly welcome and instruct each child in courtesy, on arrival, and at the close of school to speed each child on parting, as though she were an honored guest. It was a novel and delightful experience to watch the lesson in carpentry; the girls, in light dresses and white aprons, using the saw, hammer and chisel with deftness and precision, and turning out neatly made knife trays, and cutting boards, and tables, as well as miniature beds and bureaus, the directors explaining that housekeepers have to drive nails, and put up shelves, and repair furniture and playthings, and that it is better to be trained to do each of these necessary things properly.

The lessons in housekeeping and marketing are given with the view of making the girls capable housekeepers, and not simply servants. Lessons in the harmony of colors and in coloring pictures are followed, as the girl grows older, by lessons in embroidery, the tasteful application of color to articles of use or ornament for the house or person. There are also lessons in sewing, knitting and drawing, in modeling in clay, and object lessons in flowers with talks about them, together with singing and gymnastic exercises. The director attributes the success of this school to the fact that the teachers in each department are skilled, having been specially and severely trained.

More time should be allowed for vacation schools such as these. Three months are none too long to devote to practical instruction in industries, to avoid the excess of brain work, of memorizing and cramming, which is so properly a subject of complaint and alarm. Were the hand and brain of pupils developed in due proportion, the result would be self-helpful, self-respecting, capable boys and girls, of whom the country cannot have too many. These schools would also prove nurseries in which those with special talents could be discovered, and, through schools of technology, developed into the skilful artisans whom we now are often compelled to import, and who have been fostered and trained in their own country in schools supported by government appropriations. We do not need to further overload our public schools. Let us shorten the school terms, give the children time and opportunity to use hand and eye as well as brain, set them about it and show them the first steps, and we shall have no just cause to complain of the lack of practical working ability among our youth.

ASSOCIATION OF COLLEGIATE ALUMNÆ.

It is with satisfaction that I speak of the Association of Collegiate Alumnæ formed in 1882, to unite graduates of different institutions for practical educational work. Its present members are graduates of Michigan, Wisconsin, Kansas, Syracuse, Northwestern, Boston, Cornell, and Wesleyan universities, of Oberlin, Vassar, Smith and Wellesley colleges, and the Massachusetts Institute of Technology. Its methods of work are unique in kind and progressive in spirit. The health of women, as students, was the first concern of this Association. A circular of information was issued, showing the relative amount of instruction and

opportunities for physical culture afforded to women in the institutions represented in the Association. This tabulated statement exhibited at a glance the deficiencies in this respect in all these institutions. It was sent to the college authorities from their own alumnae, and proved a needed spur to improvements in this direction. To this statement were appended practical suggestions concerning the best means of preserving the health of students: 1st, to parents; 2d, to the governing bodies of institutions which grant degrees to women; 3d, to women studying in these institutions.

The Association has made an effort to obtain health statistics from graduates in order to ascertain whether or not the health of women students suffered from a systematic course of study. For this purpose 1250 papers, containing some 40 questions relative to their health during childhood, college life, and the period passed since graduation, were sent to the graduates of the twelve institutions represented in the Association of Collegiate Alumnae. About 700 of these papers have been returned with answers. These have not yet been tabulated, but, so far as examined, exhibit a favorable result. Many of them show a decided improvement in the health of women during and since the course of collegiate study.

SANITARY SCIENCE CLUB.

In accordance with the suggestion of the first president of the Association of Collegiate Alumnae in her opening address, several members of the Association met, November 9th, 1883, and organized a club for the study of sanitary science in its direct relations to the home. The following is from the report of the secretary of the Club to the Association:—

It was very quickly discovered that the scheme required independent and original methods of work. There was no one manual containing all the desired information which could be used as a text-book by all. No general course of reading, at the same time authoritative and practical, could be recommended. The plan adopted was for each member to act as an investigator of a certain topic, and report the results to all the others at the fortnightly meetings, which were continued during nearly six months. The general subject chosen was the House, which was sub-divided as follows: Location and surroundings, care of the cellar, drainage and plumbing, ventilation and temperature of the sleeping room, living room and sick room, lighting, furnishing, relative merits of different methods of heating, and State and municipal statutes and

ordinances. A few important books were purchased, subscriptions were made to two sanitary journals and board of health reports, and health tracts were procured, all of which form the nucleus of a good working library. Beyond these the members depended largely on public and private libraries, collating from many different volumes, rejecting what was purely theoretical or abstruse, and presenting, in an abridged form, facts and statements which had a direct bearing on the subject under consideration. The reading of these reports was followed by a discussion which never flagged from lack of interest or point. Personal experience was not merely cumulative but helpful, and evidence brought from home life showed that the interest was not confined to the hour of meeting. Each one was expected to contribute to the point under discussion some illustration from her own home or boarding-place or a friend's house.

In order to make a useful diversion from the regular sessions, as well as to gain wider experience, special visits of inspection were paid to a carefully-planned schoolhouse whose sanitary equipments had been proved satisfactory, to a house in process of erection, where the pipes and drains were exposed to view and carefully explained by a master plumber, and to the new building of the Institute of Technology, where the system of ventilation was shown in detail by the instructor in ventilation. The final meeting was held at the house of one of the members, who invited her associates to inspect it thoroughly and critically, and suggest changes, with their estimated cost, in accordance with the conclusions drawn from the winter's study and observation. The guests made the most of the opportunity given them, and were as frank in making their criticisms, as their hostess was good-natured in accepting them. A dinner followed, which proved conclusively that hygienic food and real savoriness are not in the least antagonistic.

The members of the Sanitary Science Club cannot too strongly urge upon the Association of Collegiate Alumnae the importance of giving thought and attention to the hygiene of the home. This duty falls more or less upon all women, but with none should it be more exacting than with college graduates. The problems of social and economic science are beginning to receive the attention they rightly claim, and the women of our country should not only be ready to learn from the discussions which are rife, but, by combining theory with practice, as no others can, aid in solving the great questions which so seriously affect the interests of the home and the family. The experience of the past year has shown that it is practicable to give systematic thought to these subjects. The time devoted to the work was necessarily small, but the interest which was steadily manifested was a sure proof that the results were satisfactory, while the spoken testimony of all is even stronger.

The members of the Club intend to continue their study through another winter, taking as the subject, "Living in the House."

The following sub-topics will be assigned:—

Food—1. Materials and relative cost. 2. Adulteration. 3. Preparation.

Drink—1. Water: dangers, tests and filtration. 2. Other beverages.

Care of the House—1. Cleaning and washing. 2. Care and management of servants. 3. Planning of the daily work and overseeing the supplies.

Incidental Expenses—What, and how much?

Clothing—Material and methods of making.

Incited by this example, other sanitary clubs are now being organized by the members of the Alumnae Association. This Association has arranged with the Society to Encourage Studies at Home to furnish special opportunities for advanced studies to college graduates. A circular of information has also been issued showing what opportunities for post-graduate study were open to women in the United States and England. An interesting meeting of the Association has just been held in Philadelphia, where the special subjects discussed were, "The Relation Between the Home and the College," "Occupations and Professions for College-bred Women" and "The Duty of College Graduates to Preparatory Schools." Through the courtesy of the committee of arrangements, the Association was invited to be present at the scientific meetings of the American Association for the Advancement of Science, and to assist in receiving its foreign guests.

No excuse is needed for thus presenting in detail the work undertaken by this Association of college-bred women, in the two years of its existence. It is the best refutation yet offered of the assertion that "the interests of the home will suffer if women are liberally educated." After the originality of the whole scheme of work is considered, the attention can but be arrested by the great emphasis given to the consideration of topics which bear directly upon the well-being of the home and family,— "how to keep humanity alive and well, and doing well." There is another point in the short life of the Association worthy of note,— there are no reflections upon the status of men, mental or physical, natural or acquired. They express no interest as to whether a man's brain be light or heavy; indeed, in reading their circulars, one observes how distinctly the promotion of education is expected to improve the condition of the whole of society, and not a part. We have in this association of college graduates, a tribunal of scholarly women to which may safely be entrusted the consideration and

determination of questions pertaining to the higher education of women ; a tribunal competent to relieve theorists from their self-appointed tasks and needlessly magnified responsibilities.

SCHOOL OF LIBRARY ECONOMY.

Columbia College has recently taken the initiative in a very important educational work—the training of librarians. Some of the reasons of this forward step are so urgent and convincing, that a restatement of them will be instructive. The work of the librarian has come to be regarded as a distinct profession. He has ceased to be a mere jailer of the books, and is becoming an aggressive force in the community. The librarian, who is master of his profession, is a most potent factor for good. There is a growing call for trained librarians, animated by the modern library spirit. An increasing number of competent men and women are taking up the librarian's occupation as a life work ; but they have sought in vain for an opportunity to fit themselves for it. The few really great librarians are self-made, and have obtained their eminence by literally feeling their way through long years of darkness.

The plan proposed by Columbia College, is to give the special training needed in order to select, buy, arrange, catalogue, index and administer, in the best and most economical way, any collection of books, pamphlets or serials. The methods of instruction will be by lectures, reading, conference, discussion, visiting libraries, and work supervised by trained teachers. The aim of the school is wholly practical, and it will use the methods indicated in such proportion as experience proves to give the best results. While New York offers great inducements to students in library work, yet the establishment of similar schools in other educational centres would largely increase the influence and efficiency of libraries throughout the country.

ARBOR DAY.

From the Department of Agriculture we are informed that the custom of annual tree-planting originated in Nebraska, and has been adopted by Kansas, Minnesota, Michigan, Iowa, Ohio, West Virginia, Maryland and New Jersey. To Ohio must the credit be given of making arbor day a school holiday, and of interesting the school children in planting memorial groves. The methods of securing concerted action in the different States are quite unlike.

For example, from information obtained of the governor of Nebraska, "arbor day" is a creation of the State Board of Agriculture, which each year designates the day to be appointed for tree-planting. The governor then issues a proclamation to the people of the State, calling public attention to the importance of the subject, and earnestly requesting the trustees, superintendents and officers of the schools of the State to arrange for a proper celebration of the day by their pupils, in the planting of author's groups and memorial trees, accompanied by appropriate literary exercises. The day is so generally observed as to partake of the nature of a holiday, so the occasion is not only made useful to the State, but pleasant and instructive to the children. In Nebraska, the State Board of Agriculture offers a premium of fifty dollars for the greatest number of trees planted, to include all varieties; twenty-five dollars for the greatest number of hard-wood trees planted; and ten dollars for the greatest number of cuttings. In Ohio, the State Forestry Association has established the annual arbor day. The superintendent of the public schools in Cincinnati, Dr. John B. Peaslee, has published a pamphlet entitled, "Trees and Tree Planting, with Exercises and Directions for the Celebration of Arbor Day." This pamphlet is designed to arouse an interest among the pupils of the public schools of Ohio, in tree culture and in the protection of trees, and is accompanied by selections from authors who have written concerning the poetry and beauty of trees, and their value and influence upon waterways and climate. Already several beautiful groves have been planted by these young foresters, which commemorate events, and the practice is constantly extending.

In the Eastern states, Fast Day, which is still continued, although its religious significance has to a great extent passed away, might well be utilized as an arbor day. The children would in this way be instructed about trees and tree planting. With trees and groves would be associated in their minds, names immortal in history; and better still, it would teach each child the way to make early use of its tender and pliant muscles for the permanent benefit of the whole country during succeeding generations. Oliver Wendell Holmes emphasizes the use and poetry of tree-planting for children in the following graceful language:—

When we plant a tree we are doing what we can to make our planet a more wholesome and happier dwelling-place for those who

come after us, if not for ourselves. As you drop the seed, as you plant the sapling, your left hand hardly knows what your right hand is doing. But nature knows, and in due time the power that sees and works in secret will reward you openly. You have been warned against hiding your talent in a napkin; but if your talent takes the form of a maplekey or an acorn, and your napkin is a shred of the fold that covers "the lap of earth," you may hide it there, unblamed, and when you render in your account you will find that your deposit has been drawing compound interest all the time. The trees may outlive the memory of more than one of those in whose honor they were planted. But if it is something to make two blades of grass grow where only one was growing, it is much more to have been the occasion of the planting of an oak which shall defy twenty scores of winters, or of an elm which shall canopy with its green cloud of foliage half as many generations of mortal immortalities. I have written many verses, but the best poems I have produced are the trees I planted on the hillside which overlooks the broad meadows, scalloped and rounded at their edges by loops of the sinuous Housatonic. Nature finds rhymes for them in the recurring measures of the seasons. Winter strips them of their ornaments, and gives them, as it were, in prose translation, and summer reclothes them in all the splendid phrases of their leafy language. What are these maples and beeches and birches but odes and idyls and madrigals? What are these pines and firs and spruces but holy hymns, too solemn for the many-hued raiment of their gay, deciduous neighbors?

"To be taught to think," says a distinguished educator, "to be developed as a human being, this is education." But do we not see in the educational movements to which our attention has been called, a broader meaning to education than merely to think or to know? Is there not a constant endeavor to compel knowledge to minister to the well-being of the public,—not only to know, but to *do* for the good of all? Difficult to execute though it be, it is a grand conception of a true education. Phillips Brooks, that sympathetic and cosmopolitan preacher, says: "Learning and life, that which is known in the world, and that which is to be done in the world, stand over against each other, and the perpetual problem is how they shall be brought together. Like two strong men who gaze into each other's eyes and know that they ought to be standing hand in hand; like two great promontories, which stand and watch each other, and feel the sea which runs between, and yet feel under the sea the sweep of the continuous earth which makes them one, — so learning and life, that which is known upon

the earth, and that which is to be done upon the earth, stand gazing at each other, and knowing that however they may be separated and kept apart, they belong together."

This is indeed a great problem, and the world will unceasingly demand its solution.

III. ATHLETICS IN AMERICAN COLLEGES.

BY PROFESSOR EDWARD HITCHCOCK, OF AMHERST COLLEGE.

The desire to prolong his life and enjoy it to the fullest extent, is a regnant idea in almost every man. And to this end nearly every one labors to the best of his abilities. This the individual does.

But national and state governments, some corporations, local communities, and educational institutions also, have duties to perform in this direction. For in every community there are sure to be some selfish and negligent persons, who are not only willing to injure themselves, but greatly endanger others. Hence National, State and local laws are enacted to protect the public health, and officials are appointed to execute sanitary and hygienic measures.

The attention given to the health of body and mind among educational institutions, is one of the marked features of modern progress. Its beginnings have been shown in attempts to secure physical exercise for students, by manual labor, work-shops, agriculture, horticulture, military discipline, calisthenics, and gymnastics.

About the close of the last century, Pestalozzi and Salzmann seem to have given us our earliest ideas of physical exercise, as gained by the fixed apparatus of modern gymnasiums. In 1811, Jahn opened in Berlin the Turnplatz, or gymnasium which was the alma-mater of all the gymnasiums in Germany. In Switzerland, in 1815, gymnastics were introduced into the schools and colleges of the country. At the Royal Military Academy at Woolwich, England, German gymnastics were introduced in the year 1823. At the Round Hill School, in Northampton, Mass., a gymnasium was established in 1825; also one in the Salem Latin School at about this period, and one on Charles Street, in Baltimore. And between 1830 and 1840, so-called gymnasiums were established in several colleges and academies in New England, where with limited apparatus, usually in a cold, cheerless building, or a grove, students were allowed to exercise their bodies when and how they pleased, with no guidance, system or protection. Like music, and some other branches of education, physical culture has been appended to and recommended by many educational institutions, but

in only a very few, up to the present time, has it been made a vital part of the regular course of culture.

The modern idea is to recognize, control and direct physical culture, recreation and amusements as a part of our educational systems, in order to make use of all the energy of the student while in college or school. Probably 1859 is the period when first a rational and systematic idea of physical culture came to the minds especially of the leading educational institutions in this country. And right here comes up the practical question to every educator, how much must the institution do for the individual in the matter of private and public health? To how much must the college give direction and demand attention, and how much must be left the individual to provide for himself?

At the age when students go to college, it is to be presumed that they have had the early home training of mother and nurse, and generally that they will remember and act up to it. But with the growth and development of their powers, additional instruction must be given them which home does not afford, in regard to their growth and more mature abilities. At this period, if healthy, they need special guidance and control, not because they are ignorant, but because much more self-reliant, they have more confidence in their ability to direct themselves and others, are more impulsive, and if injured or under the power of a slight malady, recover more readily than later in life. They need at this period some definite laws laid down to them, more or less explained in connection with their anatomy and physiology. It is time they understood the reason of many of these things. Hence by recitations and lectures, students should be early taught the common laws of hygiene, specially as pertaining to college life, and exactly for the same reason, and in essentially the same manner, as they are taught how properly and advantageously to use their mental powers. After they have been directed how to take good care of the body, the college is bound to give facilities, apparatus, appliances and inducements to obey these rules of health, in certainly as accessible and profitable ways as it gives apparatus, charts, blackboards and libraries to develop and guide the intellectual powers. A college is at fault if it furnishes incorrect or imperfect apparatus, or those means which are obsolete, or are shown to be injurious to the student.

The student comes to college with presumably a good physical and mental health. The college should furnish him with such

healthful surroundings as will promote his growth, and not tend to impair his health. Locations and buildings must be approved by the laws of hygiene and the Commonwealth. The laws of the proper heating, ventilation and drainage of buildings must be obeyed most rigidly by the college authorities. More strict attention must be given to these laws in a college, than in other more sparsely settled portions of the community, because of the close crowding and the greater danger of the contagious diseases.

As the idea of a college is to so train men that they may most profitably use all their powers in the advancement of knowledge and culture among men, it is its duty so to arrange its whole course as to promote this culture in as profitable a manner as is possible. It should give the best instructors, the most approved apparatus, and other means of developing the mental powers, and so condense, arrange and methodize all work, as in the best way to economize the time and the strength of the student. The courses of study should be so arranged that one subject prepares the way for another, which should supplement the first. Time and energy must not be lost by a change from one department to another. And facilities should be furnished so that the best work may be grafted directly upon previous good work.

And the necessary care and culture of the body must be so provided for that it may come in at proper times and places, when the man needs muscular activity and rest from study, or demands recreation, or at least a change in the way of using his nerve force. This is where a Department of Physical Education serves its purpose. It is not enough for the faculty of a college to enlarge upon the value of long walks, inspiring pure air, an occasional bath, as the condition of the weather, the inducements of the natural surroundings, or the inclination or daily duties of the student may allow. With the present material surroundings of nearly all our homes, in these days of steam and electricity, and the many conveniences, comforts and luxuries of every-day life, it is demanded of the college that good facilities be offered to its students for pleasant, profitable and well-directed muscular exercise, and in an attractive form: exercise which is not excessive, but regular and healthful, which is pleasurable, which may be carried on amidst such surroundings as are equal to those in other departments of the college; and the matter of personal bodily cleanliness should be provided for, since the student cannot enjoy the

comforts of a home. Hence it should be the duty of the college to direct its public health, by the provision of proper baths and the necessary attachments.

In fine, then, the advanced idea of a college should recognize as a part of its work a supervisory care over the conditions of the health of the student, and an education how to use the physical powers in harmony with the intellectual, by instruction and enforced attendance, healthful and recreative duties, so far as to be able to maintain the highest powers of the whole man to keep them thoroughly active in the summer time of existence.

If one were asked to state the important point to be secured in the education of the body, he would probably say endurance, strength, activity, and grace of motion; and in systems of physical culture these have been striven for with earnestness and zeal. We admire the crew who can hold out well to the end of the course; the runner or the boxer who has the best wind, and the gymnast who sustains himself in a trying position for the longest period. And we are pleased with the strong and agile feats of the gymnast, vaulting, dipping, turning or leaping, with an ease and strength so graceful and accomplished, with apparently so little exertion. And yet we never find the man who is master of all these accomplishments at once. The boating man has a gait most peculiar to himself, and one not marked with ease and grace; the ball-players and athletic men do not exhibit grace in the dance, though they may well measure the step, and be in accord with the cadence of the music.

Yet, in many of our systems of physical education, there is a radical error, because the desire is to produce a powerful effect by proclaiming strength alone, or endurance alone, or grace alone, as the end to be secured. The mistake has been to create a high market value in a limited part of the body, to unduly develop muscle or lung power, which while essential, are not the only or perhaps the main ends to be attained.

A modern writer and philosopher has said, "To be well is the first duty of man." Thence the attainments sought after in a system of physical culture should be to sustain *all the powers of man*, symmetrically, equably, and harmoniously, *up to the normal standard*. No steamboat or railroad will arrange its time-table squarely up to the utmost speed of its engines. No bank will divide all its earnings. And the possibilities of hygiene in college should be

to be *well*, to be *happily* and *comfortably well*; not to be an athlete or gymnast at the expense of mental and moral powers, but to secure for this end whatever things may tend to keep up, in the growing period, the normal and natural strength of mind and body. Gymnastics and athletic sports are a part, and an essential part, of college education, but when these dominate the man, then he is in a great peril, as great as he incurs who makes himself only a philologist, mathematician, metaphysician, or anything else, in disregard of any or all his possibilities as a physical, intellectual, and accountable being.

About the year 1856, the late President Stearns, of Amherst College, developed the idea that physical culture, or a proper care and knowledge of the body, should be as necessary a part of a college system as the mental or moral discipline, and that the maintenance of all the normal powers of the body in a college student, is as important to his present and future work, as is the intellectual and moral training which the college imparts. As the student must know what are the leading faculties of mind and heart, and how to keep them in their highest efficiency, so should he be familiar with his bodily powers and their mutual action and reaction upon mind and soul; and it is as much the duty of college to ensure facilities for the one as for the other. This, of course, implies that activity must be enjoined upon all faculties, mental and bodily, especially in the growing and developing stage of young men. Hence the correct and dominant idea that physical, muscular activity, in its proper amount and direction, is a great regulator of health, and an important aid in the bodily development of all people,—especially the young. This is based on the fact that about half of the human body is muscle—lean meat—and the only way to keep it healthy, active, and vigorous, up to the normal standard, is by actively and properly using this muscular tissue, or by “taking exercise,” as it is commonly termed. This use is necessary in order to furnish the muscles with a healthy growth, to promote sufficient circulation of blood through them, to induce a sufficient absorption of the waste, to so excite and control the nerve force, that it will readily, promptly, and efficiently arouse the muscular fibre to activity, when either automatically, or by demand of the will, the action is required. And it is a fact of great importance that if the muscles are normally strong and in good order, the other organs of the body are

much more likely to be in good condition. One of the tests, oftentimes, in ascertaining occult disease is to try the muscular strength of the forearm, and if it is up to a fair standard to give encouragement to the patient.

Good bodily muscles almost always imply good lungs; "capacious lungs" are important points to life insurance companies — a large heart with an abundance of blood; and a stomach and bowels competent to nourish every part of the body. A strong man is apt to have a will of his own, and a power to direct his intellectual forces intelligently, whether the mental capacity be great or small. A strong man usually has a voice able to make himself felt by others. In fine, properly regulated physical prowess, the world over, does give the advantage to a man over all his own powers, and those of his fellow-men also.

But muscular strength and agility are not the sole attainments of physical culture in educational institutions. Nor is it to growth and development entirely that attention should be given. As the health of a city in ordinary times depends as much on the cleanliness of its inhabitants, its streets, and back yards, and the efficiency of its sewers, as it does on its food markets, so does the body need to maintain in full vigor its excreting or waste organs. Of these the principal ones for the student to give attention to are the skin and the lungs. Of the six pounds of food and water taken by the average man daily, at least one half is taken from the body by these two waste organs, and through an almost infinite number of minute glands and tubes. If now these organs do not maintain the average activity and carry off deleterious substances, these must either remain in the body, or the work be performed vicariously by other organs, thus overtasking them and disturbing the healthy balance of work in the different parts of the body. These organs are ordinarily stimulated to healthy action by muscular activity which regulates the amount of blood sent to them, and at the same time excites normal nervous impulses, and thus secures a proper secretion of the matter to be rejected from the body. But in addition to the impulse of activity of the body other stimuli are necessary, such as the solvent power of water and the excitement of heat. These are accomplished by the application of, or the immersion in, water or steam of varying temperatures, as well as dry heat. Pure air also, with the proper amount of moisture in it, is an essential for the health of both skin

and lungs. Both the skin and lungs are furnished with an almost infinite number of sensitive nerve fibres, which if maintained in proper health and sensitivity not only keep these excreting organs in health and vigor, but by their reaction and reflex influence greatly control other and more important organs of the body, and not only the emotions and feelings, but the intellectual states also. Or, as Dr. Sargent, of Harvard College, says: "The object of muscular exercise is not to develop muscle only, but to increase the functional capacity of the organs of respiration, circulation, and nutrition: not to gain in physical endurance merely, but to augment the working power of the brain: not to attain bodily health and beauty alone, but to break up morbid mental tendencies, to dispel the gloomy shadows of despondency, and to insure serenity of spirit."

Based upon these general ideas, Amherst College has, for twenty-four years, sustained a Department of Physical Education and Hygiene, by which is meant the instruction of all students in the laws of the structure and use of the body, and some specific instructions to the individual for his health, and a required system of physical exercise, combined, so far as possible, with recreation and enjoyment. This instruction has not been of such a nature as to make anatomists or physiologists, nor a study in the direction of disease, or how to treat disordered bodies, nor to create or maintain athletes; but only such knowledge as will help the better to understand how to keep healthy and vigorous minds and bodies working harmoniously together; how to keep the growing powers active while in the developing period of college life, so that the training may tell in the world's work. It has been accomplished by plain, simple and familiar lectures and recitations, amply illustrated by the well-known classic models of Auzoux of Paris, and a series of lectures to the freshman directly on entering college.

The idea has been carried out at Amherst, that a college can be furnished with such means for some physical exercise by which *all the students* may be benefited, and this when they are in a class together, as in other departments; thus securing the stimulus and animation of fellowship in the duty, as well as a personal benefit at the same time. As Mr. C. F. Adams says, "The contact with his equals in the class and on the playground, is the best education a boy ever gets." This community or associated exercise must be of such a kind as not to have military rigidity on the

one hand, or the looseness of rowdyism on the other; and this feature is an essential part of the whole plan which is the most difficult to manage and arrange, and the benefit of which must be judged of more by the opinion of the graduates who have gone through it, than by the passing judgment of outside parties. The nucleus of the work has been an exercise with wooden dumb-bells by each class at a stated hour each day, guided by the music of a piano, under the leadership of a captain. And this exercise does not over-develop the muscles, nor tend to make mere muscular men. The muscle is not put to a severe trial, but is only actively and moderately called into action, so as to keep up its normal or healthy growth. It is only swinging light dumb-bells for a short time; and yet, only those who have gone through the actual work of swinging wooden bells to lively music, for even twenty consecutive minutes, know the healthy exercise and stimulus that is furnished to the muscles, skin and lungs. The exercise may be called gymnastics or calisthenics, or by whatever name is acceptable—a rose would smell as sweet if called by any other name,—but the exercise, as carried out in this way, gives fuller breathing, a more vigorous circulation, an increased action of the sweat glands and the supple and active muscles, to which no young man of an average body can offer objection. Professor Wilder, of Cornell University, says: “For students, agility is more desirable than great strength. It may be attained by movements of the body and limbs, with or without light weights, or dumb-bells, or Indian clubs.” It is not asserted that this exercise with light bells and piano music is sufficient exercise for every student in college. It only claims to be a minimum. The demand for food, for fresh air, for sleep, for study, vary exceedingly, and the personal equation in these hygienic demands must vary as well as in the necessary amount of muscle use. Probably, every other man who has come to Amherst College to get the most out of the college, in any way he can, by using every aid the department furnishes—required and voluntary—will obtain recreation and exercise enough to keep himself in good working order by living up to the *requirements* of this department. But others do not get a full amount of physical care and culture to keep them up to the highest standard of physical health by these required facilities of college. A goodly number of the class—perhaps a half,—will never do more work than is required of them in any branch of

study. And if this is not a characteristic of nearly everybody outside of college, as well as in it, to do as little of anything which they are required to do, without an immediate and personal and selfish gain, then some of us have observed human nature in vain. Will any teacher in college tell us what proportion of his *whole class* make the most of work under him when it is required, and not optional work? Does he find one in ten or five? While a majority will do as well as they can with ordinary work under his direction, does he find the enthusiasm, the zeal, the eagerness to embrace every point, as perhaps the five per cent. of any college enthuse when a regatta or base-ball season is at hand?

Is it right, then, to expect that young men, averaging from twenty to twenty-two, generally of good physical inheritance, with vacations of one-fifth of the year, — more than one day in a week, — when the elasticity and buoyancy of hope, good cheer and present comfort are at their maximum, when sickness is at its minimum, when experience of pain and dark days are unknown to them — when all these are matters of their every-day lives — can we expect many of them to give special attention to the health which they seem to possess, and especially if it interferes with their present comfort and pleasure, *if it be left to their own choice to provide for it*, or without some special attractions towards it? And again, I ask, do even a majority of older, wiser and more experienced men, on the average, — more than ten per cent. even, — take any better care of themselves than the same percentage of college students!

If, however, this be the just statement of things, in regard to the care of the health, which people will take when in ordinary circumstances, it does not mean that we should let things alone, or allow them to drift. It is in an adverse direction which Amherst College has been tending for nearly twenty-five years. She has endeavored to adopt those means and employ those agencies, by which the students shall secure for themselves such physical exercise as can be provided without making it tedious, burdensome or objectionable, but wholly necessary and pleasant. She has directed the students to follow such guidance, and do so much for their recreation and exercise, as can be secured without interference with study, at the same time enforcing so much attention to the rules and practice of health as will the better enable them to find out what are their intellectual, moral and physical powers, and

how to handle them to the best advantage. For the college does not strive to make specialists, monstrosities, or athletes, but only so to train the powers that the graduates may become successful in that special direction which they may choose, when they settle down to the work of life, after college discipline, training, and direction have done their full work. And without doubt, to nine-tenths of college graduates, for the solid work of life, physical endurance will be far more important to success than simply the highest intellectual attainments.

The required exercises of this department, as at present conducted, furnish *all* of the students a modicum. The college *requires all of them* to get a regular, constant and uniform physical exercise with recreation: gathers them together at a stated time and place, and tries to induce by the surroundings to help them to secure a change of occupation, a good time, and forgetfulness of study for the short hour. The object aimed at is, *to secure and keep in good health and activity all the powers*, making them to act in perfect harmony, and not seeking to secure only handsome and well shapen bodily forms, or the greatest amount of power in lungs, heart, nutritive organs, and muscles. To secure that health and general power and endurance of the body, which shall the most completely supplement and associate with mental and moral culture, is the object of the methods adopted at the Amherst gymnasium.

Thus far Amherst College has been considered in the Department of Physical Education only, as it has been, and is at present. It started on a new experiment twenty-five years ago, with somewhat crude ideas, and without the immense strides of material progress which the nation has taken since the civil war. It began with the wants of two hundred students; now it has three hundred and fifty; and with the paternal idea of college full in view. Now it deals with students of the average age of twenty-one years and one month. Twenty-five years ago, bare — very bare — necessities were furnished to the student in his surroundings. Now, by the facilities of steam, electricity, and material developments everywhere, in public and private, bodily comforts, care and attention, and legal governmental supervision, the college must keep pace, and perhaps a little ahead, in order to make itself the most efficient in its work. So that the plain, simple, and cold gymnasium, with but very little apparatus for individual development and attention, with no means for bathing, must be supplemented by something abreast of the times.

And for this very appreciation and aid, the college is most fortunate in one of its alumni; not a mere "*pro auctoritate mihi commissa*" graduate, but one who, as the captain of the class of '79 for three years, most thoroughly appreciates the wants of the college in its physical culture, and who has handsomely come to the front, and proposes to put this department in such a position that it may accomplish for the future what it has steadily tried to do for the past; or, in his own words, "to increase the usefulness of the Alma Mater in that department in which he ever felt an interest." Charles M. Pratt, of Brooklyn, has given to the college such a superior building as the department recognizes the necessity of, for today and the future. And the Pratt Gymnasium stands as a munificent gift of an alumnus to his alma mater, and a gift expressing an appreciation of the needs in the direction of physical education in our schools and colleges.

This new gymnasium does not only mean more and better appliances which the student may use for his health, but will require more knowledge of, and better guidance of the student. He is not only to have more and better means to do with, but is to be better instructed how to use the methods and opportunities for his individual good. At the same time, it is not best to require and oversee all the physical exercise of a student, any more than a literary professor can watch all the time over the men in his department. Be it in physical health or mental study, each student must have not a little freedom to work in his own way, somewhat according to his own taste and choice, and not by an inflexible method with no allowance for the personal equation. Students are urged, allowed and induced to secure recreation, exercise, and a daily outing, and some fun aside from the requirements of the class exercises. And a majority of the students will avail themselves of this unrequired exercise and recreation. And yet, the new gymnasium, well apportioned in all its parts, is so furnished with appropriate appliances as to give every man a chance for some physical exercise, in spite of the, at times, uninviting climate, and other contingencies, which keep us within walls and under roofs.

While it is proposed to maintain the daily class drill as the rallying point for all the physical exercises of college, the great number of pieces of special apparatus and machines now introduced, will not only give greater advantages of voluntarily varied

exercise to the well-developed and entirely normal student, but advantages will be offered and prescribed to the few who are unsymmetrically developed or only well developed in a portion of their bodies.

The earliest study of the human form and its proportion, so far as can be ascertained, dates back to the early centuries of the Christian Era. And the first record of such study we find in a Sanscrit manuscript of the remote civilization of India, called the "Silpi Sastri," or, "A Treatise on the Fine Arts." The leading idea of this monograph is that of the vertical measure of the body, and its division into certain parts, which, when existing in the proper proportion, constitute the perfect human body. These parts number 480, and are divided as follows:

The hair,	.	.	.	.	.	.	.	.	15
" face,	.	.	.	.	.	.	.	.	55
" neck,	.	.	.	.	.	.	.	.	25
" chest,	.	.	.	.	.	.	.	.	55
From the chest to the umbilicus,	.	.	.	.	.	.	.	.	55
Thence " " pubes,	.	.	.	.	.	.	.	.	53
" " " knee,	.	.	.	.	.	.	.	.	90
The knee itself,	.	.	.	.	.	.	.	.	30
The leg and foot,	.	.	.	.	.	.	.	.	102
									<hr/>
									480

The idea suggested by these "parts" of the Silpi Sastri, is, that the body is planned and constructed according to certain "canons," "modules," or "standards," which are determined by arithmetical or geometrical proportions, and up to almost the present day the artistic idea has been to discover what this occult, mysterious, and wonderful quality of triangles, squares, circles, and numbers, is, that will furnish the key to unlock the absolute perfection of the human form.

In the Egyptian monuments we find a wonderful and vigorous adherence to a definite scale of proportions, and the persistent unwillingness of these artists to represent their figures in any manner except that of sitting or standing upright, gives an inaccurate idea of the human form as it then existed. And still the characteristic features of the negro are so well preserved here, that we can but wonder at the physical change which has come over this race during 4000 years.

Almost 400 B. C., Polykleitus, a Grecian sculptor, wrote a treatise on human proportion entitled the "canon." This was illustrated by a statue called Doryphoros or Spear Bearer, which history confirms as a work of almost perfect proportions, and which Vitruvius, a Roman of later date, dwelling upon at great length, gives an intelligent account of, and describes in many of its details.

Phidias—it is said—to arrive at elegance, employed 20 models: he borrowed from each of them the most beautiful parts, his knowledge of the human form permitting him to arrange them with all the necessary strength and dignity."

During the "Renaissance" the artists of Italy, Germany, France, Belgium, and Holland, as well as mathematicians and anatomists, made the study of the proportions of the human body the subject of theory, practice or treatise, to a very considerable extent.

In 1770, Sir Joshua Reynolds, in England, seemed to appreciate a most clear conception of the true theory of human proportion (and like a true artist sought to carry out the theory on canvass), though he took no pains to establish his views by measurements and weights of the body. His language is this: "From reiterated experience and a close comparison of the objects of nature, the artist becomes possessed of a central form from which every deviation is deformity. To the principle I have laid down, that the idea of beauty in each species of being is an invariable one, it may be objected that in every particular species there are various central forms, which are separate and distinct from each other, and yet are undoubtedly beautiful; that in the human figure, for instance, the beauty of Hercules is one, of the Gladiator another, of Apollo another, which makes so many ideas of beauty. It is true, indeed, that these figures are each perfect in their kind: but still none of them is the representation of an individual, but of a class. And as there is one general form which belongs to the human kind at large, so in each of these classes there is one common idea and central form, which is the abstract of the various individual forms belonging to that class. But I must add, further, that though the most perfect forms of each of the general divisions of the human figure are ideal, and superior to any individual form of that class, yet the highest perfection of the human figure is not to be found in any one of them. It is not in Hercules, nor in the Gladiator, nor in the Apollo: but in that form which is taken

from them all, and which partakes equally of the activity of the Gladiator, of the delicacy of the Apollo, and the muscular strength of the Hercules."

Up to the early years of the present century, the study of this subject was exclusively given to find out the mysterious key or idea of the plan of the human form. The desire was to find the artificial idea of the body, as Linnæus classified plants and animals by a simple numerical quality. But between 1820 and 1830 the natural system of investigation and discovery was introduced, and was, by Sir John Herschel of England, and Baron Quetelet of Belgium, applied to the human form. This depended upon a certain use of numbers, it is true — that of measuring and weighing — but it was a simple collation of data, and so comparing and arranging them that the much-coveted "idea," or "canon," or "module," could be obtained by finding the variations in the body, and thus deducing the true form, casting aside the irregularities, the greater first and then the lesser ones, till an approximation to the ideal was exhibited. The examination, the weighing and the measuring of the body and its parts, was quite extensively carried out by these two men, who, by establishing a "*mean individual*," not an "*average*," are bringing us nearer to the determination of the typical man or woman, than ever before.

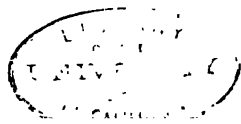
And here must be considered the difference between the typical "average man" and the typical "mean man." By an *average individual* is meant the young man who is like the greater part of his fellows in certain matters — say height or weight: that is, if all are arranged together for comparison, the average man will be the most like the largest number. And the mean student, too, will be somewhere near to the average student; but in arranging all the students to show the mean student, we shall find the mean at the top of a curve descending both ways, called the "binomial curve." The mean student represents a central magnitude, all deviations from which are to be regarded as deviations from a standard. An average gives us the medial sum or quantity between two or more sums or quantities, while the mean gives the intermediate point between two extremes. The mean gives us a regular march of groups, from the least up to the standard, and then a march down to the smallest, while the average shows the irregular groups here and there. "An average gives us no assurance that the future will be like the past; a mean may be reckoned on with the most implicit confidence."

The method at present employed to ascertain the average, or mean man, and thus the typical man, is by comparing as many as possible of certain outline measurements of the living man, and from these to construct the type. With this object in view, very many men — especially medical ones — have been compiling them by the tens of thousands. These have been mainly of persons congregated in prisons, hospitals, and armies, and latterly schools and colleges. When work was first begun in this department at Amherst College, twenty-four years ago, "vital statistics," as they were termed, were taken of every man entering, and yearly afterwards during his course. These were "anthropometric" — man-measuring — items such as weight, height, several girths, lung capacity, and a simple test of strength, secured mainly for anatomical and physiological science, and to allow the student by annual comparisons to see what his development might be. These have been carefully maintained, and enlarged extensively up to the present time, and valuable tables secured therefrom.

But a more extensive series of measurements, and a more accurate examination of the student, and some knowledge of his antecedents is now demanded. For all people, young and old, are not equally developed. And in every college class a few are sure to be defective in certain points, and at their age may be furnished some development of their weaker parts, by judicious inspection, advice, and proper gymnastic apparatus. Or, as an old English poet says:—

"Few bodies are there of that happy mould,
But some one part is weaker than the rest;
The leg or arm perhaps refuse their load.
Or the chest labors. These assiduously
But gently in their proper arts employed,
Acquire a vigor and elastic spring,
To which they were not born."

Thus, with the means at hand of the Pratt gymnasium, the old system of statistics is greatly increased in number and minuteness, there being sixty-two items now secured of each man, as he enters college, and twice afterwards during the course. This examination not only considers his present and hereditary condition, but his arms, legs, body and bones are tested, and the more important vital organs such as heart and lungs are specially looked into by stethoscope and percussion, as well as the eyes considered in regard to



near sight, astigmatism and color blindness. An accurate record of this examination is kept on file at the gymnasium, which may be consulted by the student at any time ; that is, each man may know and study his own record. This record is also the basis for advice, prescription and suggestion by the department ; and on his entrance to college, every student is furnished with the average condition and measures of a student of his own height, which he may use, and the professor also, as a basis for advice and gymnastic training. And, while a student is to enjoy the advantage of the class exercise, as heretofore, he may now be able to attend to the growth and development of any parts of the body which are not up to the normal standard. And by the large additions of new apparatus, not only is the defective man guided and helped, but the average man will find more apparatus, appliances and baths to supplement the service of his dumb-bells, and will be invited to give his muscles, skin and lungs a quota of increased relaxation from study and physical exercise, such as he may desire.

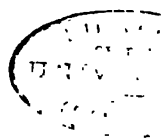
The matter of athletic sports and games, indoors and out, seems to need a recognition and reasonable support from the authorities of college. In spite of the excess of competition, not only in games, but in business and intellectual and religious life at the present day, there is a feature of much good and recreation in the games of today, which demand a proper recognition, support and control. Were our climate without its rigors of cold and its pungency of heat, no doubt it would be best to have no covered gymnasiums, but use only the field and grove for recreation and exercise. But when military men tell us that through the average year, only about half the days are suitable for the ordinary drill of the soldier out of doors, we must provide walls, roofs and artificial heat. And yet during the delightful out-door months of the year, all people should be incited to be out of doors for work, exercise and recreation, to the fullest extent possible. And while it is very true that for the most harmonious development, the games of base-ball, foot-ball and tennis are not equal to the symmetrical work of dumb-bells, gymnastic apparatus, or even boxing gloves, yet the exhilaration, freedom and fresh air of these games are excellent means of promoting and maintaining the health of very many, and especially young people. It, therefore, seems safe and wise to say that clubs for these games are to be encouraged in a college. And the formation of the club is a very essential part,

that the games may be controlled and guided by what are the rules and methods obtained by experience and practice. That while many may enjoy and profit by a regular half or whole hour daily, there should be a centre to rally around, and a method to be followed to gain a good result from the exercise. For the good effect of most of these games is not only muscular work, sweat of the skin and inspirations of the lungs; but the playing by rule, the spirit of submission to decisions, of obedience, of quick determination and coöperation are of great value, specially to the young man in process of mental and moral training.

Results of course are expected. And accurate statistical data have been secured at the college during the existence of the department, but not before that time. Hence comparisons are very difficult to secure, because anything reliable and carefully recorded, as to the condition of body or health, previous to about 1860, is merely a matter of present opinion or tradition. No earlier records of health are preserved, not even the deaths noted in official returns, nor the physical condition of the students made of any account, in any college so far known to the writer, save where the faculty accounts of the intellectual or moral standing of the student incidentally bring up the matter.

Perhaps the earliest note of warning and need of the subject was made by President Stearns, of Amherst, in his yearly report to the Trustees in 1859, when he says: "By the time junior year is reached many students have broken down their health, and every year some lives are sacrificed"; and "during the year two of the most promising students in the senior class have just deceased." Dyspepsia used to be heard of and endured. But during the last twenty-four years only two cases are recorded as causes of disease. Nervousness and exhaustion formerly were sources of much trouble to students. There has not, however, been a single case in each of these years. Boarding-house keepers say that they are compelled to furnish more and better food, such as oatmeal, bread and meats. And the opinion of the faculty is most positive that a much better condition of health prevails than before the establishment of a Department of Health in the college.

It is not possible to state the amount of sickness in any community with exactness, it is such a peculiar quantity, and is so varied a factor with different individuals. But careful observa-



tions have shown that in England, for every death there are two persons constantly sick, and there are seven hundred and twenty days of disability for every death. And in Europe every individual loses from nineteen to twenty days by sickness, each year. In Massachusetts, during 1872, there were 13.9 days lost to each person from labor by sickness. The average loss of time of the entire men — not officers — of the United States navy, on account of sickness and accident, for the year 1881, was 11.9 days. These were men known as “under treatment.”

The manner of estimating the amount of sickness among the students of Amherst College, has been to enter a man on the sick list if he has lost more than two consecutive days from all college work by sickness or accident. As a result, during twenty years—1860 to 1880—we find the amount of time which has been lost by sickness, when averaged upon the whole number of students, to be 2.65 days to each man.

Another fact which seems to reflect credit upon the value of this department, is the decrease of illness during college life. As it stands in a tabulated form, we find the following per cent. of the class who lost by illness:—

Freshmen,	.	.	.	.	.	.	.	.	29
Sophomores,	.	.	.	.	.	.	.	.	28
Juniors,	.	.	.	.	.	.	.	.	23
Seniors,	.	.	.	.	.	.	.	.	19

Or a decrease of disability of about ten per cent. And this has not been a sudden increase at either part of the course, but a steady growth, year by year. The number of Amherst students from whom the data were obtained is 2,106, and their average age 21.1 years; the period of their observation was four years, and their average per cent. of good health was seventy-five per cent. of the whole number.

NOTE.—For an abstract of Dr. Sargent's address, and Dr. Hall's report to the Health Department, see a subsequent page.

IV. PHYSICAL EDUCATION IN WOMEN'S COLLEGES.

BY MRS. R. S. BRYAN, OF ANN ARBOR, MICHIGAN.

The desirability and necessity of gymnasiums in women's colleges is, today, ardently advocated; it is, therefore, pertinent to inquire why this demand; and also "Are there any objections to an athletic training for college girls"? The "why" may concisely be answered by a plea for health and diversion; the objections depend upon the management of any given gymnasium. If young women, unfitted for their tasks, crowd into collegiate institutions, doubtless it is necessary that those who supervise them, limit the mental efforts of such girls within the bounds of fatigue, and provide for that building up of the body which should have been thought of years before; but young women and young men who enter college with health and an assured physique in their favor, should not need a special and extensive course of routine gymnastic work to keep them in tone. Moreover, to suppose that a girl who is exhausting herself mentally, will be benefitted, while doing the same amount of brain work, by unaccustomed physical labor, is a physiological error, financially illustrated thus:—Peter robbed to pay Paul, and Paul robbed to pay Peter, till both are bankrupt. Otherwise stated, when a girl enters college, it is the duty of those who send her there to believe that she is ready for the strain; since, as it is not the best economy which delays strengthening the foundations until the goods stored in the warehouse are causing them to tremble, though it is wise to keep them in order.

"The due and proper training of the muscular system is among the most important means of antagonizing the tendency to various disorders," but there is a time in the development of the individual which is far better than the college years for this training. The college bred girls of today, who are forced to curtail their desire for study because of their unbalanced physical powers, will gladly see that to their children comes a different heritage. There is, I repeat, an age in which the benefits to be gained from physical education are especially emphasized; an age when the girl and boy may easily be trained side by side; when the consciousness that she has performed a difficult feat may be unalloyed pleasure to the shyest little maid, and when the hope of emulating her cousin

or her brother will add a legitimate zest to her endeavors, as surely as it conceals the fact that she is hoarding up treasure for herself. But this training must not be careless. "It is a science, not a mere rude art." It will cost more money and more thought to provide proper physical instruction for this child of seven, than for that daughter of seventeen. The teacher to whom is trusted the education of those easily overtaxed muscles, the strain upon that tender heart, must be far more cautious and skilful than he who supervises the exercises of a girl older or less eager, who knows when she is tired, as children never do. But the result: A fine, muscular adjustment, an educated nervous system; the previous development of girl into woman checked, with a direct gain to the individual and to the race, provided marriage be correspondingly delayed.

There is a time for all things, and the majority of our mistakes come, perhaps, through confusing the varied seasons and their due fruition. We insist upon berries in December, only to lose their zest in June; we send our children to hot-house assemblies at five, and a flirtation is dull at fifteen; we gorge them with grammar and the catechism in their boyhood, and make up for our indiscretion a score of years later. For all drafts drawn upon the bank of humanity are, at last, payable in the coin of the nervous system; which is neither infinitely expandible nor inexhaustible. We must therefore wisely time our demands to meet existing needs.

From babyhood, through seven or eight years, the child should vegetate; gain its stomach and teeth, its unstriped muscle and its sympathetic nervous system; from seven to twelve, we may educate and strengthen striped muscle and sinew, while the brain work demanded is earnest and short. "Strenuous diligence during school hours, and the maintenance of a high standard as to the quality of the work exacted, are on the side of nervous health:" provided, that, like medicine, the dose be proportioned to the age, and in inverse ratio to the physical training which should accompany it. From twelve to sixteen, should be brought the natural unfolding of the emotional instincts, the diversion of consciousness from self, and a physical regimen which will not infringe upon the evolution of the special organs that are, through these years, in process of development. Ten hours, at least, of sleep, two hours of mild, physical culture, in the open air, if possible, and the pursuit of studies which shall give vent rather than repression to the

newly awakened feelings, will go far to arrest the catastrophes imminent at this period, and to insure girls against them, in whom the previous five years have been devoted to the building up of a sound, nervous system.

The critical years passed, the student should be prepared to enter upon intellectual pursuits, and to subordinate the direct growth and training of the body to that of the brain itself. "Life is longer, vitality more tenacious in women than in men,"—so the word comes from all our co-educational institutions that they bear the present strain as well as their brothers, and they might be able to hold their ground in the class-room with the added pull of a craze for athletics; although it is doubtful if for them is to be feared the temptation to accord to athletics a more absorbing allegiance than they are ready to give to mental pursuits. Women will never, as a class, vie with men for the honors of the ball field or the lacrosse ground, and since, to stand side by side with the other sex in the race for existence is now their legitimate aim, they will not yet waste their force in paths which will only end in defeat.

"I question the propriety," says Julian Hawthorne, "of making health the deliberate object of exercise;" and he proceeds to show that the winning of a race, or the thrashing of a senior bully, are more potent incentives to daily training than any hope of being strong, merely for the sake of strength,"—and I think many college girls will agree with him, and confess that being denied the incentives of a possible public appreciation, they have too often found the obligatory swinging of clubs and clashing of dumb-bells a labor of duty, from which they have turned, not refreshed but fatigued.

One of the especial dangers to which young women are exposed, in their own colleges, comes from the wear and tear of institution life; from the frictions and jealousies incident to a community made up of individuals of a single sex, debarred from any free interchange of thought and feeling with the outside world. Enforced physical training will not meet this difficulty, and the gymnasium must not be substituted for recreation. It is only adding one more ground of competition between the same rivals, one more line of action in which the perfection of the *me* centres the girl's interest upon herself; and it is not possible to remedy this personal phrase, by substituting class or institutional rivalries,

without creating the same dangers and difficulties which are felt to be imminent for young men. If a gymnasium, therefore, is contemplated in any collegiate institution for women, may it not be wisely urged that it be limited as follows, — and if our own thought has been justifiable, will not the same restrictions eventually prove admissible and advisable in colleges everywhere?

(1.) Create a Chair in each college faculty, to be filled by a competent Professor of Physical Culture.

(2.) Require that a certain physical standard be made a necessity for matriculation.

(3.) Demand that enforced attendance in the gymnasium be founded upon the needs of the individual.

(4.) Subtract the time given to enforced gymnastic exercise, from the hours assigned to study.

(5.) Encourage voluntary athletic work in the gymnasium, and in out-door sports, as a recreation.

V. ON THE HIGHER EDUCATION OF WOMEN IN GREAT BRITAIN AND IRELAND.

BY MISS LOUISA INNES LUMSDEN.

(Read September 9, 1884.)

The Higher Education of Women in Britain is of too recent a date to allow of much obvious result from it being yet apparent. If I am asked what is the outcome of the movement, what use women are making of this education, and how they are adapting themselves to new positions and new responsibilities, I have but scanty information to give in reply. That there are now women graduates of the University of London, one having obtained the degree of Master of Arts, and another that of Doctor of Science, perhaps the most distinguished the University can grant, not to speak of more than sixty who have taken the B.A. and B.Sc. degrees; that there are women graduates, in all but in name, of Cambridge and Oxford; and that many of these women are doing good work as Head and Assistant Mistresses in the girls' schools which are springing up all over England, or as Lecturers in the colleges and halls for women at Cambridge and Oxford; that a considerable number of women have entered the medical profession, and a few the legal; and that a vast amount of public work, philanthropic and other, is being done by women — these are the bare facts. This is the outcome which we at present see, and considering that it is hardly more than thirty years since the movement for educational reform began, it is a satisfactory result. But is this entirely the result of Higher Education? Certainly not. The fact is that it is difficult to view Higher Education alone, separately from that general movement of which it forms a part — that wave of progress, which is gradually changing the position of women in our modern world, and bearing them — and with them, I would fain hope, the race — up to a loftier standing ground.

It is natural that in an age of high civilization and refinement the question of the position of women, social and political, should assume new importance. The influence of women is in such times recognized as being a weighty factor in the constitution of society. History gives us parallel cases. The present movement is essentially a popular and liberal one, the natural product of a liberal age, and the prominent place held in it by education is a hopeful

sign. It shows a recognition of the duties and responsibilities which a larger freedom brings. The liberty which women are seeking is in truth not liberty selfishly to serve themselves, but liberty to serve with free, unhindered powers, every just, and noble, and pure, and merciful cause. The right they claim is a right, not of enjoyment, but of service.

" True freedom is to share
All the woes that others bear."

If they sought freedom in another spirit, if they were like the women of the Roman world, in the later days of the Republic, or under the Empire, who had succeeded in practically emancipating themselves from the barbarous bondage of their legal position, but had, unhappily for themselves and for the world, gained no corresponding freedom from the low moral ideals of their time—the enlarged freedom they claim might well be dangerous to the community. Many people do, undoubtedly, dread it, at least in the political sphere. Yet it is, I think, even now, to some extent, acknowledged, both on theoretical and on practical grounds, that it is earnestly to be desired, for the common weal, that the influence of women should be more freely exercised, more deeply felt, both in the social and political spheres—though the how of its exercise in the second, may still be matter of discussion. And it follows, of course, from this, that the right education of the women who are to wield this influence is of enormous importance for the world. It is precisely this importance which is dawning upon our age. Yet it is, of course, nothing new. If women are, as has been often pointed out, the first educators of the race, what more important than that they should themselves be educated in the fullest sense of the word? On every ground, therefore, both for the new duties and for the old, the need of educating women is beginning to be recognized.

Even were this not so, were the education of women not a matter of practical public importance, women have, of course, in the abstract, a right to enter freely into the world of knowledge. That the love of Knowledge or of Truth is inborn in some minds, in women as well as in men, that it is indeed a divine gift, who can question, and on what ground can its satisfaction be denied to women? It was, I think, a saying of the late Professor Jevons, that it is the happy fact that this love of Knowledge is an inborn

possession, which has saved the education of women in all ages from being utterly sterile of good. But through the want of method and training, power has been endlessly wasted, and bitter disappointment and dejection have often been the sole reward of honest effort. It is this want, above all, which true Education supplies.

As regards the matter or subject of education, we must allow that in Britain — I do not know how it may be in America — a vague sort of idea still survives that the nature of women is in some mysterious way complemental to that of men, and that the education of the sexes should therefore be complemental also — so that, as Miss Emily Davies once remarked, it almost seems as if what is good for a boy must be bad for a girl, and *vice versa*. A pleasant variety, we are told, would thus be secured. Discord would be, I think, the more natural, and is very often the actual result. No doubt, if we could at will work with another person's mind, and see with his mental eyes, it would be amusing and refreshing that the furniture of his mind, and his way of looking at things should be as different as possible from our own. But, since we stand each "on our attainment," has not each individual to round his own life and complete his own culture as best he can? Happily for men, as well as for women, the complemental theory is dying out in England, and the old and sounder belief in liberal culture as good for all is yearly gaining strength.

I say the old belief, for the complemental theory is a curious modern fancy. It seems at least probable that some 200 years ago, girls shared more equally in the then existing means of education than until very lately they have done in our times. The boys and girls of the upper classes seem generally to have been taught together by tutors at home, and in the middle classes they doubtless attended the mixed schools, which still survive here and there, notably in Scotland, and which are, I believe, common in parts of America. No doubt, however, the standard of culture actually attained by girls was as a rule, low. A woman's life, then, like that of German women now, was too full of household duties to allow time for study after the years of early girlhood were over. But, whatever was the worth of the old education, it had been lost to girls, partly through the exclusion of girls from the benefit of endowments, and partly too, no doubt, from the indifference of parents, the general belief that, as Mr. Tulliver puts it, "over-cuteeness was no gain for a little lass."

Another cause for the gradual withdrawal of girls from the mixed schools was probably the roughness of manners prevailing in them. I know, at least, that this has been, and still is, the case in Scotland. But the true cure for this roughness would be, I believe, not to withdraw the girls, but to introduce into the schools refined and cultivated women as teachers. This, I understand, is the American plan, and this brings me to another point in my subject, the double good resulting from the system of High Schools now established in England. Not only do girls now receive a sound education in these schools, preparing them for University training, but when, in its turn, their University career is gone through, they can find at once, if they desire it, honorable and independent positions as Head or Assistant Mistresses, or Lecturers. The case is different in Scotland. A strong prejudice exists there against women teachers. They are employed sparingly, and, as a rule, in subordinate capacities only. The prejudice has a respectable foundation. The Scotch have never been indifferent to the claims of education, even for girls, they have always been determined to have none but qualified teachers, and as no woman was actually qualified by learning or University degree, it followed that they would have no woman teachers in responsible positions. Prejudices die slowly. England, once behind Scotland in the secondary education of girls, is fast going ahead of it. Here and there in Scotland good schools may be found. But, in general, girls schools in my country have hardly yet felt the influence of reformed ideas. Scotchwomen who have gone through University training, are compelled to look almost entirely to England for a worthy professional career. And if they miss the work, the work misses them. Nothing can compensate a girls' school for the want of the refining, educating influence of a high-minded, highly cultured woman at its head.

Under the reformed system in England, women are more and more employed in schools. The "Establishment for Young Ladies," in which "the best masters attend," is happily becoming rarer. Reform was certainly urgently needed. Until lately, English schools for girls of the upper classes were, as a rule, beneath contempt. No wonder that quiet, old-fashioned people have even now a horror of all schools. And middle class girls' schools hardly existed at all. All this is changed, sound training is given, good work is done, and the only want which is not yet

adequately met is that of good boarding schools for country girls. High schools do not meet the needs of dwellers in the country, and it can hardly be denied that, as one consequence of this, the daughters of the landed gentry bid fair to become the worst educated class in the community.

The need of a public examination to test the work done in girls' schools by a recognized standard, was felt from the beginning of the movement for reform. The gain, therefore, was great when, in 1865, the local examinations of the University of Cambridge were first extended to girls, in answer to a petition presented to the Senate, by a committee which had been formed to obtain the admission of women to University degrees in Arts and Medicine. Since then the Oxford and Cambridge Schools Examining Board has also extended its examinations to girls, and there are besides the examinations of the College of Preceptors, and the Cambridge Higher Local Examinations, first held in 1869. Doubtless this list is not exhaustive. There is indeed no lack of examinations, and, to say the truth, no little danger in consequence of cram and overwork. A few years ago vehement complaints were made, both by parents and physicians, on this score. And, allowing for exaggeration, and even unfairness in the charge made, it must be granted that these dangers are real and serious. It is not so much that mistakes have been made. Probably some mistakes are inevitable at first, even in an educational reform. It is that the reform has not been an all round one. The defectiveness of the old system, as regarded physical training, was not sufficiently recognized. If a painter can't "paint soul," as Lippo says, "never minding the legs and arms," can a teacher afford not to mind them — dare he "forget there's such a thing as flesh?" But the cure is not stopping the work. Far less is it to return to the old system of dreary rote learning, petty rules, perpetual surveillance, cramping body and mind. It is, as nature herself teaches, simply beginning to play. Play is, according to Richter, "the first poetry of the human being." Not physical education so-called, not gymnastics, excellent as they are too in their place, but play. Play braces muscle and nerve, refreshes the brain, supplies a moral training of incalculable value. I speak out of the experience of many years, first as a student, then as Resident Tutor at Girton College, and last as Head Mistress of a girls' school. The best games are, I believe, rounders and cricket.

Tennis is of course a splendid game, but too few can play at once to make it the best game for children and schools. Every school should have its playground, some already have. Head and Assistant Mistresses cannot do better than join in the play — but simply as members, not as directors. The girls should organize, their chosen leaders should command — it is excellent training for the work of life. And they should wear suitable garments — else play with its possible overheating and exposure to weather, may be actually dangerous — woollen, light-skirted, easy-fitting, in which the limbs have perfect freedom. I do not think that the value of play has been yet recognized heartily or widely enough by our school mistresses. For my part, I believe that the moral and physical gain directly derivable from the Higher Education — since real work, to be harmless, necessitates real play — is of as much value as the intellectual gain itself — or even of more value. Is not Education harmonious development — moral, intellectual, physical? And are modern women so strong that the real fear is lest they should become, like the bodyguards of the Princess Ida,

——— “mighty daughters of the plough,
Huge women, blowed with health” ———;

I could almost wish it were!

Play is the antidote to overwork on the physical side. On the mental, I believe, the best is resolutely to cut down the number of subjects taught in our schools. Their multiplicity is simply overwhelming. What should go, or what can at least wait, I do not venture to suggest here. But let anything go rather than train our girls, first at school and later at college, to hurry from subject to subject, skipping here and cramming there at the dictates of this or that examination, and learning, as Bacon said long since, nothing save to believe “that they know that which they know not, impatience to doubt, temerity to answer, glory to know, seeking things in words, resting in part of Nature.”

It is on the school foundation, after all, that the Higher Education is built, and if our girls go up from school to the Universities sickly and overworked, what gain is reaped from all our labor? They should go up fresh, body as well as mind in the highest condition of efficiency. Doubtless many do. Still I think reform on the physical side is not yet nearly so universal or so thorough in our schools as it ought to be.

I cannot attempt in this paper to go into the details of the history of the movement for Higher Education in Britain. I am assured, besides, that the subject is familiar to my audience. Yet I wish I could have dwelt for a moment upon the benefits conferred upon women by the University of London. It is thanks to the liberality of that University, in throwing open in 1878 all its Examinations and Degrees to women, that in the many colleges throughout England and Wales, which now prepare students for those Examinations and Degrees, women are received on an equal footing and share every advantage with men. Perhaps I should except medical training, the London School of Medicine for Women being still, I think, the only Institution in England where women can obtain instruction in Medicine and Surgery, and qualify for the London Medical Degree.

To University College in London the praise is due of having first made what was then thought the daring experiment of mixed classes of men and women—an experiment which has succeeded admirably. The Victoria University has followed the liberal example of London, and as a direct consequence of this, women can now receive instruction in the Owens College in Manchester—those who have passed the Matriculation Examination of Victoria in the same classes with male students. I should have liked too to speak of the great concession made by the University of Cambridge in opening its course for Honor Degrees to students of Girton and Newnham Colleges, and of the similar, but as yet, less complete step more lately taken by Oxford; of my own old College, Girton, whose early struggling days at Hitchin I so well remember; of Newnham, younger sister and friendly rival of Girton in tripos and on tennis green; of the new Halls at Oxford, Somerville and Lady Margaret's, doing in Oxford the same work which Newnham does in Cambridge—but time forbids. Of Ireland it must suffice to say that the Royal University is as freely open to women as is that of London, and that it counts already more than one hundred women members, although the first set, so recent was the concession, will not have had time to graduate until next month, October, 1884. The University of Dublin is, however, still closed to women. For the degrees of the Royal University, women can prepare in the Alexandra College for women in Dublin, or at the Queen's College, Belfast; and, no doubt, the colleges in Galway and Cork would also be open to women if there too entrance was sought.

In Scotland the action of the Universities is less satisfactory. It is hoped that a change is even now impending. Probably the new Universities' Bill will give power to the Universities to admit women to Matriculation and Graduation. It seems strange that the interference of Government should be necessary to legalize the admission of women to Universities founded on the model of those in Italy, in which, as every one knows, women have been not only students but even professors. So unfortunate, however, has been the course of events during the last fifteen years, that we are assured that Government alone can cut the knot. In the meanwhile useful work is being done in Edinburgh by the Association for the University Education of Women, and in Glasgow by the Queen Margaret College. The L.L.A. Examination and Certificate created for women by the University of St. Andrews, meeting the wants chiefly of women who study at home, is a help to many a solitary student. But one flaw is everywhere apparent — the uncertain value of the special certificates granted to women. Not the degrees themselves, as in the London Victoria, and Irish Universities; not even the same examinations under the same conditions as to undergraduates, as at Cambridge and Oxford; but something corresponding, something the value of which cannot be exactly estimated, something which is actually inferior in market value to what can be gained in England — is granted to women by the Scottish Universities at present. Women in Dundee alone have more satisfactory opportunities. To the new College there, founded by a woman, women are freely admitted, as to the English provincial Colleges, and it will be open to them to study for the degrees of the University of London. Remembering the belief in the ordinary Scottish mind that women are incapable of filling high positions in the scholastic profession, it seems specially hard on Scotchwomen, that the fact of the degree course in the Universities being still closed to them should perpetuate this prejudice.

Recent as the movement for Higher Education is, a good many fallacies about girls and women have been cleared away in the course of its working. First, there is the greatest and most dangerous fallacy of all, that hard study is specially hurtful to the health of women. The same people who will without protest see women guilty of all sorts of follies — pinching their waists to suit a false ideal of beauty, sauntering with cramped, ungraceful gait

instead of walking, because skirts are too narrow and too weighty to allow of free, graceful motion, and doing fifty other wrong and silly things in obedience to fashion—are seized with virtuous indignation when other women take to intellectual work. Study is at once, in their eyes, to blame for every ill. But this outcry is beginning to subside, and it has even been pretty well accepted that work in moderation is actually wholesome. One may still however hear the plea put forward in defence of excluding women from high examinations and degrees, “The best women would be killed.” For people who hold this belief I would prescribe a course of visits, first to a few schools, where the value of play is, I need hardly say, recognized, and then to Girton and Newnham. The sight of so many happy, healthy, young faces could be trusted to convert any honest doubter.

A second fallacy is that this or that “hard” subject is unsuitable for women. What subjects are feminine and what masculine? Botany, for some inscrutable reason, used to be considered a specially feminine subject. Practically this question has solved itself. Another fallacy was that women worked faster than men. No doubt under this seeming compliment lurked the popular belief in the essential shallowness of the feminine mind. Shallowness and inaccuracy having been laboriously produced by so-called education came to be looked upon as innate. Experience very soon showed that there was no difference whatever as to speed in men’s and women’s work respectively, though of course individuals varied. With regard to the charge of shallowness brought against girls, it may be interesting to notice that in the last Report issued by the Cambridge Senior Local Examiners, we are told that in essay writing the boys as a rule showed more observation, imagination, and enthusiasm than the girls, while the girls were superior in simplicity and directness of style, in thoroughness of treatment, avoidance of generalities, and in a “painstaking and generous fairness of mind which was very striking.” I quote this Report only as showing how false are popular theories about the shallowness, unfairness, &c., of women, not because I think it particularly flattering to the girls. Observation, imagination, enthusiasm are gifts full of promise for future life. Yet even here must we conclude that this inferiority is due to Nature? May it not be due to special causes at work in a girl’s life? A girl almost always has some home duties to perform—to mend her own and others’

clothes, mind the younger children, help the mother in a hundred little ways. She has few or none of those leisurely moments which come frequently enough to boys. And these are the moments, I think, in which observation and imagination work unhindered, and enthusiasm is born of reverie. I believe it would be good for both girls and boys to share home duties more equally. Let the boy know something of the joy of unselfish service, and the girl more of that divine leisure which is the nurse of genius.

One fallacy more, that if girls are allowed to play as boys are they will become rough and unladylike. There could be no more ridiculous mistake. I can testify from five years' school experience that play actually helps good manners. The reason is simple. Self-control, fairness, good temper are essential to play. If these fail, it fails. And are not these the soil out of which courtesy naturally springs? Not to speak of the promotion of health by play. Are not ill-temper, selfishness, peevishness often the mere result of ailing health? And do they produce good manners?

To conclude. The value of Education is beginning to be fully recognized among us. Cultivated men are in general showing a generous eagerness to share with women all the advantages which they themselves enjoy. Young men in particular are often strikingly liberal minded. I have heard of some who out of a moderate income, gained by their own labor, have aided sisters to obtain University and Medical training. But the old idea that education is necessary for teachers only, "for women who are obliged to work for their living," as the phrase goes, as if work were not a blessing, and idleness and dependence a curse — dies hard. The fact is that we are yet in a transition state. Old-fashioned portions of society, the conservative and moneyed classes — the landed gentry, for instance — are as yet almost untouched by the new ideas. It is felt among them that sons must push their way in the world. There is perhaps not enough of money for the education both of sons and daughters, and it is taken as quite a right and every-day arrangement that the girls should go to the wall. And they are told that this is only fair, since they have not to work for their living, while their brothers have. But what is the truth? Girls are not expected to work, granted, and so they are not trained to work and independence. But they *are* expected to gain a livelihood by marrying. A worthy ideal of marriage, indeed, it must be confessed! Or, if they do not marry, they

must know how to starve and pinch in respectable poverty and vacuous dulness, without losing caste as gentlewomen. This is the ugly reality underlying the fair show of society, and it is the loss of this which people sentimentally affect to dread and deprecate—as if with this miserable pretence would go the truth and sweetness of the womanhood so outraged in the name of propriety and respectability. The mistake is to regard paid work as derogatory to the dignity of a lady. Why should it be less honorable for her to live by her own labor, than by that of her father, not to speak of being dependent on a brother, or other relation? Everyone makes money somehow, the peer and the squire, who live by their rents, as much as the artisan and the dressmaker. The simple cure for the evil is to accept capacity for any work, not compelling poverty, as the only right reason for undertaking the work. We must let patience and education have their perfect work. Slow and reluctant as are our upper classes to learn, they will grasp the fact in time that education is a good in itself, and that there is no work to which a human being can be put in office, or shop, or house, or nursery, or farm, or factory, in the doing of which trained and developed capacities will not help man and woman. Capacity to do philanthropic work, above all, depends much on training, as endless mistakes made by would-be Lady Bountifuls show. Yet it is to work among the poor that young, untrained, inexperienced girls are constantly put! I suppose it is thought that the employment, if useless, is at least harmless. My school experience has taught me that it would be a great gain if all girls could look forward to a possible professional career. Not that all need enter it, or even go on to the technical preparation necessary for it; but that it should be an every-day thing to enter a profession, and that to be capable of entering it should be considered honorable and desirable. Some girls do not need this stimulus, but many do. It would steady them, deepen their characters, and make them—not a whit less bright and charming and loveable, but more so, because more truly womanly.

The arguments against professional careers for women seem to me mostly of the kind given not long ago by a certain poetical M. P. against women's suffrage—"Women are the silver lining which gilds the cloud of man's existence!" As for more practical and intelligible reasons, difficulties would, under fair trial, solve themselves.

To return to our main subject. Of one thing, I think, we may be sure, that Education is the only influence — not even excepting religion, for to define the term religion would lead us too far a-field — which can stem the dangerous symptoms of our age (in my country, at least), the fastness which is its most unlovely product, the unbounded luxury and vulgar ostentation of wealth, the lack of high ideals, the proneness to saunter through life with, at the best, a mere æsthetic enjoyment, and that shallow scepticism at second and third-hand, affected by people haunted in truth themselves by no “obstinate questionings,” but who catch up, parrot-like, the current phrases, like the fashions of the day. For the aim of true education is surely that man and woman may grow alike

“Not alone in power
And knowledge, but from hour to hour
In reverence and in charity.”

ADDITIONAL PAPERS OF THE JURISPRUDENCE DEPARTMENT.

I. THE LAW FOR THE COMMITMENT OF LUNATICS.

BY F. H. WINES, SECRETARY OF THE ILLINOIS BOARD OF PUBLIC CHARITIES.

The publication by Mr. George L. Harrison, of Philadelphia, at his own personal expense, and the gratuitous distribution of a work prepared, under his supervision, at great cost, entitled "Legislation on Insanity," has made it possible for me to present a brief summary of the laws relating to the commitment and detention of the insane in all the States and Territories of the Union. Mr. Harrison's book, for which he deserves the thanks of all who take an interest in the condition and treatment of the insane, purports to be "a collection of all the lunacy laws of the States and Territories of the United States, to the year 1883, inclusive, also the laws of England on insanity, legislation in Canada on private houses, and important portions of the lunacy laws of Germany, France, etc." In the following digest, I have not gone outside of this book, to consult original authorities, but have based my statements upon his researches.

Public interest on the subject of insanity centres in the inquiry: Under what circumstances and by what methods may an insane man be deprived of his personal liberty? How must the necessary proceedings for the commitment of lunatics be conducted, in order to guard against the incarceration of sane persons falsely charged with insanity? What precautions need to be taken to prevent the improper detention of persons, sane or insane, who no longer require the restraints of an insane hospital or asylum? As will be seen, the answers given to these questions in the statutes of different States are very varied, and for the most part, too vague to be satisfactory. The laws of Illinois are peculiarly open to criticism, and call loudly for revision and amendment.

Insanity, in the medical sense, may exist, where there is no necessity for the commitment of the insane person to any institution for the insane (since he may be as well or better cared for elsewhere), and no justification for any restraint upon his actions,

(since he is in no danger of harming himself or others, if let alone). Insane persons may be disqualified for the transaction of business and the care of their property, and yet require no restraint. Where the commitment of any insane person to an institution is requisite or proper, it must be because the character of the manifestations is such as to imperil the community; or because the patient is himself in danger, if allowed to go at large; or because there is hope of his restoration, if treated in a hospital; or because his commitment will promote his comfort, if incurable. He may have no home, or his remaining at home or in an almshouse, if a pauper, may be manifestly a hardship both to himself and others, whose interest must also be considered. For an insane person, although not dangerous, may be very troublesome and disagreeable, so much so as to render the depriving him of his liberty a less evil than his freedom to annoy others, who cannot escape from his presence, would be. In the legislation of the several States, these principles are more or less clearly recognized, but not always grasped, apparently, in their full extent. The double purpose in the commitment of lunatics — their own good and that of others — is well stated in Rhode Island, where it is defined to be "either for cure or restraint;" and in Maine, where any insane person may be committed to the hospital, "whose comfort and safety, or that of others interested, will be promoted." In North Carolina, the finding of the inquest must be that the person adjudged to be insane "is a fit subject for an insane asylum, and that his being at large is injurious to himself and disadvantageous if not dangerous to the community." But in many States, the wording of the law is far less comprehensive.

DEFINITIONS OF INSANITY.

The statutes of several States contain sections in which an attempt is made to define insanity, as follows:

"A person shall be considered of sound mind who is neither an idiot or lunatic, nor affected with insanity, and who hath arrived at the age of fourteen years, or before that age, if such person know the distinction between good and evil."

"The term lunatic shall be construed to include idiots, insane and distracted persons, and every person who, by reason of in-

temperance, or any disorder and unsoundness of mind, shall be incapable of managing and caring for his own estate."

"The term 'insane,' as used in this act, includes any species of insanity or mental derangement. The term 'idiot' is restricted to persons supposed to be naturally without mind."

"The words 'insane person' include idiots, lunatics, distracted persons and persons of unsound mind."

"The terms 'insane' and 'insane persons' include every species of insanity, and extend to every deranged person, and to all of unsound mind, other than idiots."

"The term 'insane' includes every species of insanity, but does not include idiocy or imbecility."

"The word 'lunatic' shall be construed to include every insane person who is not an idiot."

These definitions make one think of the two famous conundrums: What is mind? No matter. And what is matter? Never mind. A person of sound mind is one who is not a lunatic, and a lunatic is one who is not of sound mind. A lunatic is an insane person, and an insane person is a lunatic. Idiots are sometimes lunatics and sometimes not, according to the State in which they reside. Where a distinction between insanity and idiocy is expressed, as in Ohio, Kentucky and Iowa, idiocy is wrongly defined. One definition of insanity is required, where the insane person is to be committed to a hospital, another where he needs to have a guardian appointed, and a third where he is on trial for crime. Accordingly, some States have more than one definition, as in Minnesota, where contrary definitions are given.

CLASSIFICATION OF INSANE PERSONS.

The definition of insanity, either in a medical or in a legal sense, being a task of such difficulty, it is not surprising that there should be found to be also a great variation in the subdivision of the insane as a class. It is usual to describe specifically what classes of insane persons may or may not be received into the institutions for the insane created and maintained by the State. Idiots are excluded in Arkansas, California, Dakota, Illinois, Indiana, Iowa, Kansas, Maine, Nebraska, Texas, Utah, Vermont, West Virginia and Wisconsin. In Kentucky, pauper idiots are excluded, unless the jury find, by their verdict, that they are so

dangerous or so uncontrollable that they cannot be safely and properly kept within the county. But in Florida, Georgia and South Carolina, they are expressly included in the classes for whose benefit the asylums are established; and in Ohio, by implication, in the words, "all insane persons over the age of seven years." Epileptics are excluded in Arkansas; and in Kentucky, if not otherwise insane. They are expressly admitted in Georgia and South Carolina. In many states, the question whether the patient is epileptic must be determined at the inquest, or answered in the certificate of the physicians by whom the patient was examined. Persons suffering from any contagious or infectious disease are rejected in Illinois, Kansas, Missouri, Texas and Washington Territory.

Demented inebriates are admitted in Georgia. The definition of a lunatic in Colorado includes them. Habitual drunkards may be sent to the asylum in Kansas. The law in New Mexico is not specific as to this point, but will bear a similar construction. Persons temporarily insane by reason of the intemperate use of intoxicating drinks may be committed to the Western Pennsylvania Hospital for the Insane (Dixmont), until such temporary fit of insanity is cured. But in California, the admission of any case of delirium tremens or acute mania-a-potu is forbidden, as it is also in Utah. Both in California and Utah, the reception of any case of harmless, chronic, mental unsoundness is prohibited. There is a like provision in the law of Wisconsin, to the effect that no physically infirm or mentally imbecile person, not deemed to be dangerous when at large, shall be committed solely because of such infirmity or imbecility.

The State of Arkansas forbids the removal of any insane convict from any penal institution to the State lunatic asylum. The law in most States provides for such removal. In New York and Michigan, special asylums for the criminal insane have been established.

The admission of pay-patients is authorized in nearly all the States. But the institutions of Illinois, Indiana, Ohio, Wisconsin, Minnesota, and Mississippi, are open to all residents of those States, free of charge. Non-resident patients are excluded from the State institutions for the insane in California, the District of Columbia, Tennessee, Utah, Virginia, and West Virginia, but with some exceptions. The admission of patients from other

States is authorized in Alabama, Georgia, Illinois, Kentucky, Nebraska, and South Carolina.

In some of the States, it is provided that if, for want of room or any other reason, it becomes necessary to discriminate in the admission of patients, a certain order of selection shall be observed. The preferences expressed relate (1) to recent and curable cases, in Alabama, Arkansas, Dakota, Illinois, Indiana, Iowa, Missouri, Nebraska, Ohio, Pennsylvania, Texas, and the territory of Washington. By recent cases are meant those of less than one year's standing. (2) To the indigent insane, in all the States just named, except Arkansas, Illinois and Ohio, with the addition of North Carolina. (3) To the order of application for admission, in Dakota, Indiana, Iowa, Nebraska, and Ohio. (4) In Illinois, violent, dangerous or otherwise troublesome cases have the preference over those of an opposite description. Similar distinctions are made in the matter of the retention and discharge of patients.

There are few if any States, in which the provision made for the care of the insane in public institutions is adequate to the demand. Hence it is necessary to ordain rules for securing to each portion of the State its equitable share in the benefits of the existing institutions. This end is reached in two ways: first, by districting the State, geographically, where there is more than one institution; and second, by assigning to each town or county its legal quota of inmates, in proportion either to the insane population or to the total population. Districts have been established, and their boundaries defined, in Illinois, Kentucky, Michigan, New York, North Carolina, Ohio, and Pennsylvania. In Virginia, commitments are made to the nearest asylum. In Kansas, all of the State institutions of a benevolent character are under the government of a single board of trustees, and the board designates the superintendent of one of the insane asylums, to whom all applications for admission must be made; this superintendent determines, under rules established by the trustees, to which asylum each applicant shall be admitted. In Iowa, the superintendents of the two hospitals and the governor of the State adopt regulations in regard to what patients or class of patients shall be admitted to the respective hospitals, and from what portion of the State patients may be sent to either of them. In Michigan, the boards of trustees of the different hospitals meet in joint session, for the adjustment of all questions which may arise pertaining to them.

LEGAL ASPECTS OF THE QUESTION.

Where the insanity of any person is of such a description that no necessity exists for any interference with his freedom of action, the question of his condition may be regarded as a purely medical question, as in the case of any other disease. The treatment of ordinary diseases is left entirely to the physician, without the intervention of a court. But insanity is not an ordinary disease. Its peculiarity consists in its tendency to unfit its victims for the maintenance of normal social relations. It is often indispensable that the insane man should be, to a greater or less extent, deprived of his personal freedom. His right to the control of his person and estate is involved in the decision of the question of his sanity. It is not merely a question of insanity, but of custody, and that is not a medical but a legal question.

No man can be rightfully deprived of his liberty, otherwise than by due process of law. Commitment to a hospital or asylum for the insane, however we may gloss it over, is deprivation of liberty. It is to be shut up under lock and key. It is to be subjected to liability to undergo painful discipline, at the will of another; the discipline of the camisole and the muff, for instance, if the medical officers of the institution deem such treatment important or judicious. It is to have no assurance of any termination to this irksome confinement; for there is no patient who may not have to remain in custody for the term of his natural life, if no improvement takes place in his condition. It is to be cut off in a large degree from the companionship of friends not only, but from their present and active sympathy, and even, in many cases, from their very remembrance. That such deprivation is unavoidable, that it is proper, that it is beneficial, does not render it less painful, nor change its essential nature.

But what is due process of law? Is it a private agreement between the friends of the patient or his attending physician and the authorities of the hospital? Or is it a judicial inquiry and a solemn, responsible decision by a court, based upon evidence?

It is the right of every alleged lunatic to protest against a judgment which would consign him to imprisonment and give the control of his property to another. It is his right to have notice and a hearing. Not even the right to have his case passed upon by a jury can be lawfully taken from him. If he is not capable of entering any protest, nor of appreciating or insisting upon his

rights, as patients in acute mania or a state of dementia are incapable, so much the worse for him. But this is not the state of doubtful lunatics, and it is for their protection that the arm of the law is made strong.

CLASSIFICATION OF STATES.

Roughly speaking, the States and territories may be divided into four groups, as follows: (1) Those in which insane persons may be committed without even the formality of a medical certificate of insanity. (2) Those in which, for the reception of the patient into the hospital, a medical certificate is required, but not the order of a court. (3) Those in which a judicial inquisition into the fact of insanity is a necessary pre-requisite to the patient's commitment, but such inquest need not be by jury. (4) Those in which trial by jury is obligatory and indispensable, and the verdict of the jury is the warrant for the action of the judge.

Actually, it is impossible to discriminate thus sharply between different States, since the insane are in many of them sub-divided into classes (particularly into the self-supporting and the non-self-supporting), and the processes of commitment vary according to the class to which the individual patient belongs. It is perhaps worthy of notice, that wherever there is more than one mode of commitment provided, in any State, the easiest method is always prescribed for persons possessed of real or personal estate, in apparent forgetfulness of the palpable fact that the inducements to seek for their incarceration, and the chances of injustice and injury, are far greater in the case of the rich than of the poor. Not only so, but the likelihood of their discharge from an institution, after commitment, is less. That this should be so, argues that the framers of the statutes had in mind chiefly, if not solely, the question of liability for the support of the patient in the hospital or asylum; and that, since persons in independent circumstances are able to pay their own way, no necessity is believed to exist, in their case, for any reference of the question of the patient's insanity to any tribunal for judicial investigation and determination.

COMMITMENT ON MEDICAL CERTIFICATE.

The thirteen States in which insane persons may be admitted into the hospitals, on the simple certificate of a physician or phy-

sicians that they are insane, are: Alabama, Connecticut, the District of Columbia, Georgia, Kansas, Missouri, New Hampshire, New Jersey, New York, Rhode Island, Tennessee, Texas and Vermont. In Kansas, for the admission of private patients, in addition to the medical certificate, a certificate from the probate judge that he has been "informed" of the insanity of the patient is necessary; in other cases he certifies that the patient has been "adjudged" to be insane. In Alabama, the District of Columbia, Georgia, Kansas, Missouri, Tennessee and Texas, admission on medical certificate alone is expressly restricted to pay-patients. In the other States named, this right is unrestricted; it extends to pauper patients committed by the persons having them in charge, unless in conflict with some other provision contained in the statutes.

In Connecticut, the certificate must be made within one week after the medical examination of the patient, and it must be presented within thirty days after it is made. In the District of Columbia, the request for admission must be made within five days of the date of the certificate of insanity. In Missouri, the certificate must be signed on the same day with the medical examination, and presented within two months. In New Hampshire, the committal must be within one week after the examination of the patient. In New Jersey, the committal must be within one month after the making of the certificate. In New York, the certificate must bear date of not more than ten days prior to commitment. In Tennessee, it must be dated within one month of the presentation of the patient at the hospital. In Vermont, it must be made within five days of the medical examination, and not more than ten days previous to admission to the asylum.

In New York, the medical certificate must be approved by a judge or justice of a court of record; and the judge or justice may (not shall) institute inquiry and take proofs as to any alleged lunacy, before approving or disapproving of such certificate.

COMMITMENT WITHOUT CERTIFICATE.

The States in which patients may be committed (so far as appears from the statutes), without either judicial investigation or medical certificate, are: Louisiana, Maine, Maryland, Mississippi, South Carolina and Virginia. In Louisiana, the board of administrators (trustees) is given authority to receive insane per-

sons, not sent to the asylum by a district or parish judge, on such terms and conditions as it may see fit to adopt. In Maine, parents and guardians of insane minors, if of sufficient ability to support them there, may, within thirty days after an attack of insanity, send them, without any legal examination, to the State hospital or to some other hospital for the insane. In Maryland, the provisions relating to judicial investigation apply to insane persons confined at the expense of the county or city; but nothing contained in the act shall prevent the friends or relations of a lunatic or insane person from confining him or providing for his comfort.

In South Carolina, inquests are obligatory in case of insane paupers; but the regency (trustees) must admit idiots, lunatics or epileptics, where their admission is requested under the hands of the husband or wife, or (where there is no husband or wife) of the next of kin of idiot or lunatic; and nothing contained in the act may be held in any manner to apply to the entrance of pay-patients into the asylum. In Virginia, on application for the admission of a person into an asylum, the examining board, if unanimous that he ought to be admitted, may receive him as a patient.

COMMITMENT AFTER INQUEST.

The States in which provision is made for a judicial inquisition into the mental condition of persons alleged to be insane are: all the States except the District of Columbia (where commitments are made on the order of the Secretary of the Interior, based upon the certificate of a judge of the supreme court of the district or a justice of the peace, that two physicians and two householders of the district have made the required depositions before him), and Maine (where the municipal officers of towns are constituted a board of examiners, and their decision is final, unless an appeal is taken within five days to two justices of the peace and quorum).

The States in which no patient can be admitted to an insane hospital without a judicial inquest are: Arizona, California, Colorado, Dakota, Idaho, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, Utah, Washington, West Virginia, Wisconsin and Wyoming—24. There is some obscurity in the law in the States of Arkansas, Delaware, Florida and Michigan, which renders it difficult to assign to them their proper place in the classification which has here been attempted.

In Michigan, the law appears upon its face to warrant no commitment without inquest; but there is an obscure section which reads as follows: "This act shall not be construed to authorize the confinement of any person in any asylum, except such person be expressly required by law to be so confined, contrary to and against the wishes of any parent or guardian, or other legal custodian of any such person, provided said board of trustees shall be satisfied such parent or guardian or legal custodian shall have sufficient pecuniary ability to maintain and support such insane person." It is possible that this section is designed to authorize the confinement of insane persons by their friends, if of sufficient pecuniary ability.

It may be seen that there is a close connection between the method of support of a State institution for the insane, and the form of inquest into insanity of the persons who are to be benefited by it. The more entirely the State assumes the pecuniary responsibility for its maintenance, the simpler the question of inquest becomes. If, in the first place, there is no distinction between the rich and the poor, but the institution is free to all insane residents of the State, there is no need for any investigation of the patient's pecuniary condition. If, on the other hand, the State insists that all who are able shall pay for custody and treatment, but it assumes the liability for all pauper and indigent patients, there is no necessity for dispute as to the patient's residence. The question reduces itself to the simple question of insanity. This connection is very apparent to a close student of the lunacy laws of the several States by comparison with each other. A further obvious relation exists between the law of inquest and that of settlement. The more complicated the law of settlement, the more involved the law of inquest must of necessity be.

The lunacy laws would be immensely simplified, if in each State there were but one mode of procedure, and but one inquest, for the determination of the patient's mental condition, irrespective of the end sought in such inquest, whether it be to commit the insane person to some institution, or make some other order for the disposition of his person, or whether it be to secure the appointment of a conservator of his estate; and if, further, the judicial inquiry provided for were made obligatory in all cases, irrespective of the patient's pecuniary condition.

STATEMENT AND APPLICATION.

The exercise of jurisdiction by the court usually is based upon a written paper filed with the court, which is variously known as the statement, or application, or petition, or allegation, or suggestion, or information, or complaint, or affidavit, or deposition, in which some person alleges his belief that some other person named is insane, and that action on the part of the court is necessary, for the patient's good or that of others. It may be remarked, in passing, that every term which suggests any analogy between proceedings in lunacy and criminal proceedings ought, as far as possible, to be eliminated from the law, as both unfeeling and misleading. For this reason, the term application or petition is preferable to information or complaint. The filing of the application may be voluntary or obligatory, official or unofficial. Application may be made, in the great majority of States, by any person; but in Arkansas, Indiana, Mississippi, Missouri, North Carolina, Ohio, Tennessee and Wisconsin, by any citizen. In Illinois, by any near relative, or in case there be none, by any resident of the county. In Delaware, by relatives or friends of the patient. In Vermont, by the wife, any friend or relative, or the overseer of the poor. In Oregon, by any two householders. In New Mexico, by a relation by blood or marriage, or by a person interested in the lunatic's estate. Application must be made, in Connecticut, for the commitment of pauper insane, by a selectman of the town; in Michigan, by the county superintendents of the poor, or any town or city supervisor; in New Jersey, by the township overseer of the poor. In New York, if the relatives or guardian of a dangerous lunatic, fail to confine him, it is the duty of the overseers of the poor, or constables of the city or town where such lunatic is found, to report the same forthwith to the superintendent of the poor, who must apply for his commitment.

In Kentucky all applications are by the attorney of the commonwealth, or, if he be absent, by the county attorney.

The purpose in making application by certain officials obligatory, is to insure the performance of an unpleasant duty, which might otherwise be neglected, and where the insane person is a pauper, to guard him against the consequences of official apathy and neglect.

In many of the States, there is no specific provision as to the place of holding inquest. Two views may be taken of the duty of

the judge, where the law is silent as to this point; either that the inquest is intended to be held at the court-house, the place where judicial business is ordinarily transacted, or that the judge has the right to use his discretion in this regard. The latter is the more humane interpretation, since there are cases in which the patient cannot be brought to the court-house without great hardship and risk. It is common to order that the patient shall be brought before the judge; but he is before him, if in his presence, wherever the judge may be.

In Illinois, the case must be tried in the presence of the patient. In Indiana and Wisconsin, if there is a trial by jury, he must be present. In Kentucky, no inquest can be held, unless the person charged to be of unsound mind is in court and personally in the presence of the jury; but his presence may be dispensed with, if two physicians make affidavit that they have personally examined him and verily believe him to be an idiot or lunatic, as the case may be, and that his condition is such that it would be unsafe to bring him into court.

In Massachusetts, the judge must see and examine the person alleged to be insane, or state, in his final order why it was not deemed necessary to do so. He has him brought before him, if in his judgment his condition or conduct renders it necessary or proper. In Ohio, if, by reason of the character of the affliction or insanity of the patient, it is deemed unsuitable or improper to bring him into court, then the judge must personally visit him and certify that he has so ascertained his condition by actual inspection, and all proceedings may then be had in his absence.

CERTIFICATE AND HISTORY OF THE CASE.

The medical evidence in any case may be either oral or written; but it is in nearly every State put in the form of a certificate, for permanent preservation, either in the archives of the court, or of the hospital or asylum. It is usually, but not always, a sworn statement of the opinion of the medical witness or examiner. The finding of the commission or jury, when it includes a physician, is a medical certificate. But for the information of the medical officers in charge of an institution for the insane, much more is desirable. Accordingly, we find that many States direct that an elaborate medical history of the case shall be prepared, at the time of inquest.

The advantage of this practice must be obvious. It is often very difficult for the medical officers to learn the particulars of the patient's condition, previous to admission; and no occasion is so favorable for obtaining the desired information, in the patient's own interest, as when the witnesses are all present and all the facts accessible fully brought out.

SPECIAL QUALIFICATIONS OF PHYSICIAN.

In addition to the customary requirement that the physician who signs a medical certificate of insanity shall be respectable, reputable, of good standing, competent, a practitioner, a resident, etc., special qualifications are sometimes prescribed. In Montana, Nevada and South Carolina, he must be a licensed physician; in Arizona, California, Idaho, Massachusetts and New York, he must be a graduate of a medical college; in New York, he must have been in the actual practice of medicine for at least three years, but in Pennsylvania, for five, and in Massachusetts, for three years, in that State. It is unlawful in Massachusetts, New York, Pennsylvania and Vermont, for any officer of any hospital or asylum to certify to the insanity of any person committed to the institution of which such physician is an officer. In Pennsylvania, the medical certificate cannot be made by any relative by blood or marriage, and the two examining physicians must examine the patient separately. In Vermont, they may not be members of the same firm. In Wisconsin, they must be "disinterested."

FORM OF INQUEST.

Three forms of inquest may be distinguished from each other; that in which the judge appoints some other person to investigate the case and report to him, that in which the judge himself (with or without assistance) hears the testimony and decides the case, and that in which the evidence is passed upon by a jury and a verdict rendered. A commission is sometimes called a jury. The precise point of difference between the two is difficult of definition; but where the jury acts independently of the judge, and not with him, it may be regarded as a commission. Where the judge associates certain persons with him to share the responsibility of his action, but retains the conduct of the case and the right to decide it, this is inquest by the judge. Where the jury hears the evidence in the judge's presence, and the verdict of the jury is the ground

of his decision, this may be considered, for our present purpose, as trial by jury.

Inquest by commission is authorized in Connecticut, Georgia, Montana, New Mexico, Pennsylvania, Rhode Island, and Wisconsin. One member of the commission must be a physician, in Connecticut, Georgia, and Pennsylvania; in Wisconsin, the commission consists of two physicians.

In Pennsylvania, one member must be a lawyer; and in Connecticut, a lawyer or a justice of the peace.

The number of commissioners appointed is, in Connecticut and Pennsylvania, three; in Rhode Island, not less than three; in Wisconsin, two; in Montana, one; in New Mexico, one or more; but in Georgia, the commission is directed to eighteen discreet and proper persons, requiring any twelve of them, including the physician, to make examination and inquiry and make return to the ordinary.

The States which authorize inquest by the court, without a jury, are: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, (by justice of peace, if any person is dangerously insane and at large), Dakota, Delaware, Florida, Idaho, Indiana, Iowa, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia.

Discretionary power to summon a jury is conferred upon the judge in Alabama, Massachusetts, Michigan, Missouri, New Jersey, New York, and Tennessee.

The right, on the part of the person alleged to be insane, to a trial by jury is acknowledged and protected in Colorado, Georgia, Massachusetts, Montana, Pennsylvania, Washington, and Wisconsin, where the inquest must be by jury, if demanded by the patient or any friend acting for him.

Trial by jury is obligatory, in the States named, in the following circumstances:

In Maryland, for all insane paupers.

In Kansas, for all insane persons not placed in the asylum at private expense.

In Texas, for all public patients, whether indigent or not indigent. Public patients are such as are not sent under a medical certificate, without inquest; all private patients and some public

patients are maintained at their own expense or that of their friends.

In New Mexico, for all pauper and indigent insane.

In Montana, for all insane, except insane wards.

In Illinois, Kentucky, and Wyoming, for all the insane.

COMMITMENT TO A STATE INSTITUTION.

In all States which have State hospitals or asylums for the insane, they may or must be committed to them. The only States which do not have such hospitals or asylums of their own are: Arizona, Delaware, Idaho, Montana, New Mexico, Vermont, and Wyoming. These either place their insane in some private institution, as in Vermont, (Brattleboro); or enter into contract with some institution outside of the State, as in Delaware, Arizona and Idaho.

There are other States which have State institutions of their own, but allow patients to be sent to institutions in other States. In Virginia, the governor may cause insane persons to be placed and kept in any asylum beyond the limits of the State, in his discretion. In North Carolina, the justices who hold the inquest may, together with the physicians, if his income is amply sufficient to justify it, recommend that any person adjudged to be insane, who shall prefer, or his friends prefer it for him, to be placed in any named asylum out of the State, be so placed at his request.

PRIVATE ASYLUMS.

Insane persons may be committed to private asylums for the insane, in Indiana, Massachusetts, New York, Pennsylvania, Rhode Island, Wisconsin, and (by implication) in Connecticut, and Maryland. The governor of Massachusetts may license any suitable person to establish and keep an asylum or private house for the reception and treatment of insane persons, and may at any time revoke such license. The New York law forbids the establishing or keeping any private asylum without a license from the State commissioner in lunacy. The board of public charities, in Pennsylvania, has power to require private asylums to take out license, and to appoint boards of visitors to the same, to provide for their inspection and make regulations which must be observed by them. In Wisconsin, private corporations may be formed for any charitable purpose, including the care of the

insane. Every such corporation is subject to visitation by the State board of charities and reform to the same extent as State institutions.

THE INSANE IN ALMSHOUSES, JAILS, ETC.

The commitment of insane persons to almshouses, instead of to State institutions, is allowed in a number of States.

The most elaborate and altogether the best law for the care of the insane in county institutions, is found in Wisconsin. The board of supervisors of any county in the State, may, if authorized by the governor and the State board of charities and reform, erect and establish county asylums, into which may be received any inebriate, all inmates of the State institutions for the insane, who belong to said county and are held as chronic or incurable insane, all insane inmates of the county poor-house and all other residents of the county, legally adjudged to be insane; but acute cases of insanity may be transferred to a State hospital. Patients chargeable to other counties, and private patients not chargeable to any county in the State, may also be admitted. These county asylums are subject to the supervisory care of the State board of charities and reform, without whose consent it is unlawful for the authorities of any county, to assume or retain the care and custody of any insane person. The plans and specifications for the buildings so occupied, must be approved by the governor and by the State board, and the State bears one-half the cost of their construction. The asylums are managed by trustees, three of whom are appointed by the governor, and two by the county supervisors in each county. The State pays for the support of pauper insane maintained in these county asylums, at the rate of two dollars and seventy-five cents each, per week.

The temporary confinement of lunatics in jail is sometimes a necessity. Such detention may be pending inquest, or pending admission to the hospital. It is sometimes limited in its duration by law to a certain number of days.

In the census of 1880, there were found 417 insane in county jails — 129 of them in Virginia and West Virginia.

Instead of committing the insane to any institution, for care and restraint, they may be given in charge of private persons, either their relatives and friends, or other persons authorized to care for them for a remuneration. Such commitment may be by the courts, or by the hospital authorities; it may be at the time of inquest, or

of discharge from the hospital; and it may be with or without bond.

TRANSFERS OF CUSTODY.

The Secretary of the board of State charities, in New York, may order the transfer of any inmate of any almshouse, who is, in his opinion, not adequately and properly treated, to a State asylum for the insane.

In Rhode Island, if any person is not humanely cared for, or is improperly restrained of his liberty, in any town, the State agent of charities and corrections may complain to the supreme court, which must forthwith examine into the circumstances alleged in the complaint, and if the same be found to be true, cause such idiotic, lunatic or insane person to be removed to the State asylum for the insane.

In Pennsylvania, the board of public charities may apply to the presiding judge of the court of common pleas, in any County for the transfer of any indigent insane person, in an almshouse or otherwise, in the custody of the directors or overseers of the poor, to a State hospital.

The Massachusetts board of health, lunacy and charity may transfer and commit, to either of the State lunatic hospitals, any inmate of the State almshouse or State workhouse, whose condition requires such transfer, but no such transfer may be made without the certificate of two physicians to the insanity of such inmate. The board can also, on application of the authorities in charge of a private asylum for the insane, transfer any inmate to another private or public asylum, with the consent of the patient's natural or legal guardian. When it has reason to believe that any insane person, not incurable, is deprived of proper remedial treatment, and is confined in an almshouse or other place, it must cause application to be made to a judge for the commitment of such person to a hospital. In addition to the powers thus conferred upon the State board, the governor may order the removal of any insane person legally confined in a jail, house of correction, or county receptacle, to any other jail, house of correction, or other suitable place.

NOTE. — The Paper of Mr. Wines has been abridged, and that part relating to the northwestern States has been specially shortened, in order not to trench upon the subject of the next paper, by Prof. Wright. Both papers were followed by a debate in which Dr. D. H. Tuke, of London, and Dr. Baker, of the York Retreat, England, took part.

II. LUNACY LEGISLATION IN THE NORTHWEST.

BY A. O. WRIGHT, SECRETARY OF THE WISCONSIN STATE BOARD OF CHARITIES AND REFORM.

(Presented Thursday, September 11, 1884.)

The States carved out of the old Northwest Territory, with those States lying next west of them beyond the Mississippi, form a great natural division of the United States, formerly called the Northwest, but now frequently called the Interior. The population of these States came principally from New England and New York, with a large addition of foreign immigrants, except in the southern part of this region, where immigrants from Pennsylvania, Kentucky and Virginia made the bulk of the population. Indiana is the only one of these States which has shown the influence of this element on legislation, and consequently differs from her sister States of the Interior in many features of her public life. In all the rest legislation has been on substantially the same lines of thought as in New England and New York — in the earlier years copying their laws, and more recently leading off in experimental legislation, in directions in which the more conservative East was moving, but moving more slowly.

According to the census of 1880, the Interior States had a population of 14,000,000, and an insane population of over 25,000, of whom less than 11,000 were in hospitals for the insane. Since that date there has been a considerable increase of population, probably 2,000,000, at least, and a yet more rapid increase of insanity, making probably 30,000 insane. While the proportion of insanity is still much less than in the Eastern and Middle States, it is drawing toward that proportion with considerable rapidity.

In the legislation upon the subject of insanity in the Interior States, there seem to have been three stages of progress, each about half a generation apart.

About a generation ago public attention was directed to the need of provision for the insane. All the earlier legislation was prepared under the influence of hospital superintendents, who were at the time the only persons acquainted with the humane and skillful treatment of insanity. This legislation was according to the best ideas of the time, and in the line of public opinion in the

East, which at that time we were accustomed to follow. Under these influences legislation was had, the leading ideas of which may be summarized as follows :

1. All the insane should be cared for in State hospitals, as fast as such can be provided. These are curative institutions, consequently congenital idiots should not be admitted ; and, if all the insane cannot find room in the hospitals, then the more hopeful cases should have preference over the apparently incurable ones.

2. Admission to the hospitals should be made as easy as possible, because delays in sending recent cases to the hospital may prove fatal. Discharges should be in the discretion of the hospital authorities.

3. The management should be in the hands of a skilled medical superintendent, with a board of trustees removed as far as possible from direct political influence, and all power should be centred in the superintendent, responsible only to the trustees.

Under these ideas hospitals were erected on the congregate plan, usually at a cost which was not extravagant as compared with some of the newer Eastern hospitals, but which at that day was sufficiently great. It was claimed that the insane would be rapidly cured in these institutions, and a comparatively small hospital in each State was at first asked for. But the effect of hospital treatment was in general not to cure the insane, but to prolong their lives and thus accumulate them. The hospitals were added to from time to time, until they grew far beyond the original intention of their projectors, one of them, the Indiana State Hospital, having now a capacity of 1,600 inmates.

The early erection of these State hospitals forestalled private asylums, and few of these have ever existed in the Northwest.

The insane increased faster than hospital capacity, and the surplus insane were necessarily kept at home, or confined in poor-houses or jails, or in a few cases boarded out in some family willing to take them. These measures were regarded as expedients for temporary relief only, and consequently very little special provision was made in the laws for local care of the surplus insane. But a few of the counties containing large cities obtained special legislation for institutions under their own control.

The cost of maintenance of the insane was collected from all persons able to pay, and in other cases charged up to the counties.

The effect of this was to enable the well-to-do class to keep their insane in the State hospitals as long as they were willing to pay for them, at rates very much less than private asylums would have charged, to give the poorer class free treatment for a time, until sent back to make room for more recent cases, and to cause the friendless pauper insane to be sent directly to the poorhouses, because cheaper for the county. To remedy this inequality, some States have more recently made hospital treatment free for all insane, and various devices have been adopted by others.

About half a generation ago a movement of public opinion, common to the East and West, to England and America, began to make itself felt in the Interior States, in various forms of lunacy legislation. This movement of public opinion was one of dissatisfaction with the methods of the State hospitals. It took the following directions :

1. A closer supervision of the hospitals. The only supervision hitherto had been by a committee of the legislature. In most of the Interior States, Boards of Charities, lunacy commissions or visiting committees have been created.

2. Greater care in the adjudication of insanity.

3. Attempts were made to facilitate the process of releasing a person unjustly held as insane.

Within a few years another movement of public opinion has begun to make its mark on legislation in the Interior States. This movement has not as yet reached the stage of legislation beyond the Mississippi, but in several of the States formed from the old Northwest Territory it has found some expression in legislation. This movement has for its object, four things :

1. Greater economy in the construction and management of institutions for the insane.

2. A limitation of the size of all new institutions, bringing them back to their original plan, so that they shall not be beyond the power of the superintendent to personally treat the case of each inmate.

3. Provision for occupation and liberty for the insane.

4. A better classification of the insane.

In this movement Illinois and Wisconsin have led in two different directions.

Economy in the management of existing institutions has been secured in Illinois, by the special powers granted to the State Board of Charities, in their quarterly auditing of the accounts of State institutions. In Wisconsin, economy in the management of State institutions has been secured by the creation of a paid board of trustees, who give their whole time to their management.

Economy in the construction of institutions for the insane, and provision for occupation, liberty, and classification, have been secured in one institution in Illinois by the cottage plan. Under the influence of Illinois, the States of Indiana and Ohio are now engaged in erecting institutions on the same plan.

The same objects, together with the additional one of smaller size, have been secured in Wisconsin, by the creation of county asylums for the chronic insane, under the close and effective supervision of the State Board of Charities and Reform.

The present situation of laws respecting the insane in the Interior States is as follows :

I. — THE ADJUDICATION OF INSANITY.

In nearly all the States safeguards have been established to prevent persons being unjustly confined as insane. Three methods of adjudging persons insane prevail.

1. In Ohio, Michigan, Wisconsin, Illinois and Minnesota, the probate judge of the county has jurisdiction, assisted by medical advisers appointed by himself, and is required to summon witnesses. In Illinois, a jury trial is required in every case, in the presence of the alleged insane person. In Wisconsin, a jury trial is guaranteed, whenever called for by the alleged insane person, or any relative or friend in his behalf. In Minnesota, the judge appoints two persons, one of whom must be a physician, who with himself decide the case.

2. In Iowa and Nebraska, there is a board of commissioners of insanity in each county, consisting of the clerk of the Circuit court, and a physician and lawyer appointed by the circuit judge, for two years. These commissioners are required to take testimony, and, when called for, to hear counsel and subpoena witnesses.

3. In Indiana, a case may be brought before any justice of the peace, who must then associate with himself another justice of the peace, and a physician who is not the family physician of the

person alleged to be insane, who try the case with the aid of witnesses, and file their certificate of insanity with the clerk of the circuit court, who conducts the further merely formal proceedings relating to admission to the hospital.

It will be seen that in all these forms there is provided a public and responsible court in each county, to determine the question of insanity, and a permanent record of the proceedings of such court. The action of such court is necessarily a little slower, but at the same time safer than the old methods.

The discharge of persons held as insane is in the discretion of the superintendent or trustees of the hospital, subject to the operation of the writ of habeas corpus, and to the following special provisions of law :

1. In Iowa and Nebraska, the circuit judge, on an application in writing, must appoint a commission of not more than three persons, one a physician and one a lawyer, who shall go to the hospital and examine the case and report upon it. The superintendent must also make a written statement. Upon the statement the judge must decide upon the sanity of the person confined as insane. If he decides that he is sane, the judge makes an order to the superintendent directing his release.

2. In Minnesota, the lunacy commission may remand any patient to the probate court of the proper county, to be detained there a reasonable time under surveillance, till the judge is satisfied of his sanity or insanity.

3. In Wisconsin there are two methods of procedure, in addition to the one by habeas corpus. The State Board of Supervision may act as a lunacy commission, with power to discharge persons not insane who are held as such, and also to discharge any insane persons "who can be cared for after such discharge without danger to others and with benefit to such person." Or a rehearing of the case of any insane person may be had before the county judge, either of the county from which he was committed or of the county in which he is confined, on the application of any respectable person in his behalf. In this case the proceedings are the same as on the original trial, and a jury trial may be demanded.

The effect of all these legal precautions is to make it almost impossible for any person to be wrongfully held as insane, for any length of time.

II. — THE CRIMINAL INSANE.

The very common practice of criminal lawyers, of pleading insanity in order to clear criminal clients, has been met by provisions in all of the Interior States. In all, it is intended to provide that a person accused of crime shall not escape both State prison and insane asylum by the plea of insanity. The clearest law on this subject is that of Wisconsin, which provides that the question of insanity, if raised at all, must be tried separately from the question of criminality, and before it. If decided insane, the person on trial shall be sent to a State hospital. If he recover, the trial shall proceed where it left off, when he was decided insane.

Criminals who become insane while in prison, in all these states, may be transferred from prison to a State hospital. In Michigan, an asylum for the criminal insane is in process of construction, in connection with the State House of Correction at Iowa.

III. — HOSPITALS AND ASYLUMS.

In all these States hospitals for the insane have been erected. In nearly all of them they are managed by unpaid boards of trustees, appointed by the Governor, who appoint a skilled physician, a superintendent, and all other officers and employes on his recommendation. This is the general type. The variations are these :

1. In Nebraska the Governor appoints the superintendent of the hospital for the insane, and two assistant physicians, one of whom must be a woman ; a board of trustees manage the hospital in other respects, and appoint on the nomination of the superintendent the subordinate officers and employes. But the buildings and grounds are controlled by a board consisting of the Commissioner of Public Lands and Buildings, the Secretary of State, the Treasurer and the Attorney General. They also audit all accounts of the hospital as well as of all the State institutions, quarterly. With the addition of the Governor they meet with the superintendent of the State institutions and determine the supplies needed for the next three months and provide for letting them by contract. This is a very complicated system, and must produce some confusion of authority.

2. In Iowa the trustees are appointed by the general assembly, and three out of five must be women.

3. In Wisconsin a board of five men, paid a salary of \$2,000 a year each, appointed by the Governor, called the State Board of Supervision of Charitable, Penal and Reformatory Institutions, acts as a board of trustees for all State institutions, besides having lunacy powers which they have not exercised. A number of miscellaneous provisions may be grouped here.

In Nebraska only is it required that one of the assistant physicians shall be a woman. In Michigan only is it provided that one of the State hospitals shall be under homeopathic management.

In four States, Ohio, Indiana, Illinois, and Minnesota, all insane are supported free of cost — in three others, Wisconsin, Iowa, and Nebraska, a part or the whole of the cost of support is charged back to the county and collected from the insane person's estate or his relatives, if collectable under liberal exemption laws, otherwise not. In Michigan it is charged back to the counties for three years and thereafter made free. In Nebraska the correspondence of the patients is as free as that of any citizen of the State both as to receiving and sending letters, and they must be provided with writing material and stamps for at least one letter each week.

In Minnesota a report of the condition of each patient must be sent to the next of kin each month.

But the most radical changes inaugurated in the Interior States have not yet been given. All these States have State hospitals built upon the congregate plan, and enlarged from time to time, till in one institution in two buildings, the Indiana State Hospital, there is now capacity for 1600 insane. The ordinary capacity is 500 or 600. Many arguments have been made for and against this plan, not necessary to recall here. But two experiments are going on which bid fair to revolutionize the system of building for the insane.

Illinois has for several years had a comparatively small hospital at Kankakee on the cottage or segregate plan. This is in process of enlargement, and Ohio and Indiana each has an institution in process of construction on the plan of that at Kankakee. The cost of construction is cheaper and the insane are more comfortable, and have greater freedom and can be treated more variously than in a large congregate building. A discovery was made two or three years ago in another Illinois State hospital, which astonished all the officials concerned. Owing to the destruction by fire

of the male side of the Illinois Southern Hospital for the insane, the men had to be kept in cheap frame barracks in large associate dormitories. When the palatial congregate building was restored, the men did not want to go back, but preferred the humble barracks with the liberty and sociability there enjoyed. It was a revelation of the fact that palaces are only needed for architectural display, but are useless for helping the insane.

The system of county insane asylums for the chronic insane is a further experiment in the same direction in Wisconsin, and as it is the most novel thing about lunacy legislation in these States, I will dwell on it a little longer, than would otherwise be necessary. It has been proved by experiment during the past three years that expensive buildings are not needed for the chronic insane, and that a medical specialist is also not needed. Of twelve county insane asylums in Wisconsin only one has a medical superintendent: the others are managed by intelligent and humane laymen. The one having a medical superintendent has a capacity of 300 and is essentially a hospital on the usual plan. None of the others have over 100 inmates. They are on large farms, and occupation is generally provided for the inmates, while mechanical restraints are rarely used, and chemical restraints never. Visiting physicians inspect the institutions frequently. The safeguard against abuse is in the quarterly visits of the State Board of Charities and the power they possess of withholding a State appropriation if the insane are not treated properly. The points of interests are:

1. Economy in cost of construction and maintenance. Construction costs about \$300 *per capita*, in solid brick buildings with all needed comforts. Maintenance costs about \$2.00 a week or \$100 a year *per capita*, in a style of living like that of a well-to-do farmer, including all salaries and wages, and deducting the products of the farm.

2. The needlessness of medical attendance for *chronic* insane. No acute insane are received in those institutions, and all the chronic insane in the counties having such asylums, are received in them, except the homicidal cases. The chronic insane are fully as comfortable, and fully as many recover as of the same classes under skilled medical treatment, and no opiate drugs are administered to them. The best medicines for them is occupation, liberty and cheerful surroundings.

3. The competency of local authorities under the stimulus of a State appropriation to care for the chronic insane and to do it well.

4. The ability of intelligent persons to originate methods of treatment which it would be wise for specialists to investigate. One such man in Wisconsin, in charge of a county asylum, with forty inmates, has originated a method of educating the insane, which would give him a European celebrity, if he were a physician, and could disguise his method under a Latin name. On a visit to his institution, a year ago, the writer found *all* the *mule* insane, except four, too feeble to work, many miles away, camped out with one attendant, upon a two months' job of wood-chopping. Several remarkable cures of persons just sent back from the State Hospital as chronic cases, show still further the value of his system of education of the insane.

The matron of another asylum originated a system of treatment of filthy insane, which wholly cured thirteen of the worst cases of filthiness, all there were, so that they have never had a relapse.

In another institution containing a hundred insane, which the writer visited recently, with the correspondent of a Boston paper, every door and most of the windows were open; there were no fences and no bars on the windows, and the institution was left so while we sat down to dinner with all the sane people on the place. The insane had already had their dinner, and were so well trained that they could be trusted half an hour alone in complete freedom. Many of the insane had been put in charge of others, and looked after them well.

5. Not least of the advantages of these small local institutions, are the nearness of the insane to their friends, who see them frequently, the public interest taken in the treatment of insanity, and the diffusion of more correct ideas respecting it among the general public, and even the medical profession outside of specialists.

I have thus given a brief sketch of lunacy legislation in the Interior States. Many changes have been made in that legislation in the one generation which has thus far dealt with this question. Many more may be expected in the future, especially in those States which have State Boards of Charities to help guide public opinion.

III. PAPERS OF THE HEALTH DEPARTMENT.

This Department met on the 10th of September, 1884, and listened to an address by its chairman, Prof. D. A. SARGENT, of Harvard University, on *The Evils of the Professional Tendency of Modern Athletics*. A Report was also submitted by the Secretary of the Department, Dr. LUCY M. HALL, of Brooklyn, N. Y., on Physical Training, Tenement Houses, and other subjects. Dr. Sargent has withheld his address from publication, submitting only an abstract; and Dr. Hall has furnished chiefly that part of her Report which relates to Tenement Houses. In consequence of the close connection between Physical Training in Colleges, and Education, the papers of Prof. HITCHCOCK, of Amherst College, and Mrs. R. S. BRYAN, on that subject, have been included among the papers of the Education Department; so that only Dr. Sargent's abstract and Dr. Hall's extract appear here among papers of the Health Department.

1. DR. SARGENT'S SUMMARY.

[As many of the evils pointed out in his address at Saratoga upon this subject have been already acted upon by some of the colleges, Dr. Sargent has deemed it best to furnish only a summary to be printed in this Journal.]

To many persons who are only superficially familiar with life at our fashionable shore and mountain resorts during the summer months, there would seem to be no ground for the assertion that we are an overworked people; but such superficial impression is misleading. In his days of recreation, the American does not lay aside the anxiety of his business. The mail and the telegraph are as indispensable at Newport as on Wall street. The business man's vacation is little more than a feverish combination of business and pleasure. In very recent years, however, the demands of our physical well-being have assumed a new importance. Bodily health is the basis of almost all success, and the recognition of this fact has been followed by an increased respect for the claims of a systematic physical training. Every well-equipped college is now supplied with a gymnasium. College

sports are commended and encouraged by parents, and approved by college faculties. But, as in most good things, this popular encouragement may be carried too far, and be followed by pernicious results. Today we are face to face with one of these harmful results, the deplorable tendency to professionalism in our college sports. The love of competitive sport is inherent in man. Every tribe, town and city in history has its swift-footed Achilles, its Samson and its Hercules. Organized efforts for amusement come with accumulated wealth. Clubs are formed in friendly local rivalry; then prizes furnish the incentive to effort; then the object being no longer sport, but victory at any cost, specialists are hired to play at large salaries. Friendly rivalry has gone, and the bitter and unscrupulous contests of professional sportsmen have taken its place. The growth of the professional spirit in our college sports is a most serious evil. Today college clubs, like professional clubs, play to win, and to win by any possible means. The old spirit of courtesy and generous competition is disappearing, and some of our college contests now are little more than exhibitions of brutal violence. The old motto of "fair play and no favor," or "let the best man win," has lost its significance, and contests are now conducted in great part with an eye to pecuniary results. College clubs play and college crews row where they are offered the best inducements. In this way they may be said to form a business partnership with the hotel proprietors and transportation companies. Then the demoralizing work begins. The contestants are in the hands of their trainers, and the trainers are too often in the hands of the betting rings. Betting will ever be the bane of competitive contests. Sporting men bet to win. To make betting a paying business, "tips," "points," and "understandings" must be obtained, or, in other words, bets must be made frequently on a "sure thing." Many of our fashionable pool rooms are run on this principle.

Still another evil connected with our athletic sports is the mania for excitement. In this age of electricity the demand is for stimulating food, stimulating drinks, and stimulating amusements. Evenly matched games are the most exciting; if the contest be one-sided, the crowd goes away dissatisfied. To insure good financial results, therefore, a preliminary arrangement must be made whereby, whatever may be the relative skill of the contestants, the contest shall be a close one. Most of our glove con-

tests and wrestling matches are "arranged" in this manner. The result is a degradation of the popular taste and a general distrust of athletic contests.

Another evil which is working incalculable harm to our popular sports is the notoriety given to them by the public press. When a newspaper devotes three columns of its valuable space to the detailed report of a "fistic encounter," and a few editorial lines to moralizing upon it, a hundred will read the report where one will read the homily. So great is the demand for sporting news that many large daily papers have their sporting columns and their sporting editor. The most insignificant details are published concerning the participants in college contests, and all their sayings and doings before and after the events are given to the public. The paper that publishes the most gossip of this sort sells the most copies. When it comes to a question of the moral aspect of the sports, and the eradication of certain evils connected with their practice, we have the anomalous spectacle of some of the most conservative of the great metropolitan dailies coming out in support of acknowledged evils, while the sporting papers, hitherto looked upon by some people as the representatives of professional chicanery, protest against these evils, and unite with the religious press in favor of moral principles, manly dealing and fair play in amateur sports.

The next danger that threatens our athletic sports is the attitude of educators and men of prominence with regard to them. It is only within recent years that college faculties have acknowledged that the body was worthy of any systematic training. Now there is a danger that they may go too far in the acknowledgment. They may be willing to encourage sports played according to the present vicious principles. They may not see or understand the professional spirit that has crept in, and the degradation which college sports are consequently undergoing. Gymnasiums are built, only to become the training school for specialists. In too many institutions faculties permit themselves to be influenced by the unwise, though perfectly natural, demands of the students in athletic matters. They close their eyes to the degrading influence of the professional spirit that is beginning to control college sports. But many of our leading presidents have awakened to the serious evils of our present tendency. In their addresses and reports they show great disagreement in their way of viewing

the subject, but it can be safely predicted that they will all come eventually to the ground occupied by President Eliot, of Harvard, who said, in a recent report, that "college clubs and crews should be forbidden to employ trainers, to play or row with professionals, or to compete with clubs or crews who adopt either of these practices; that they should be forbidden to give exhibitions in large cities for the purpose of money making; and to receive subsidies from railroads and hotels in furtherance of this object."

Finally, the influence which the growth of the spirit of professionalism exerts upon the students themselves is dangerous. It gives them a false idea of the place and purpose of college sports; it weakens their principles of honor and fair play; it develops the skill and physique of a few students, but does not benefit the mass of students; it is maintained only at great expense, which bears heavily upon the poorer men in college; it fosters an unhealthy excitement, and seriously interferes with the proper intellectual work of college life. While the measures for reform proposed at the Intercollegiate Athletic Conference, held in New York last year, may be capable of improvement in detail, they certainly mark out, in their general tread, the line along which future progress must be made in the regeneration of college athletics.

2. TENEMENT-HOUSES AND THEIR POPULATION.

BY LUCY M. HALL, M. D., OF BROOKLYN, N. Y.

(From the Report of the Health Department of the Association, Read Wednesday, September 10, 1884.)

A large portion of those who dwell in cities and towns, by virtue of their occupations, are compelled to remain almost exclusively within doors, and to others, who, by choice or necessity, are wont to spend a large part of each day in the open air, there is left no inconsiderable portion of time, which, in accordance with our modes of life, must be passed in some kind of a habitation. Hence the great necessity for healthfully-located, healthfully-constructed, and properly supervised buildings. A healthful habitation, simply considered, is one which will shield its occupants from the inclemencies of the weather, the necessary accessories being an abundance of sunshine and pure air, with sufficient artificial warmth added when necessary, to maintain the normal body temperature. Not a difficult standard to attain, it would seem; how difficult, only those who have labored to its accomplishment can attest.

Among the topics brought prominently before this Association in the past, have been studies of the best methods for the disposal of the waste products of the house with the least degree of contamination to its atmosphere; and the most painstaking instructions for the care of both country and city houses have been given. Where the wet system of removal has been adopted, the most conspicuous necessities and cautions are for the free ventilation of sewer-pipes, copious flushing (and how few people understand this term! a pint of water being considered an ample supply for the purpose), the need of all receptacles for slops or excreta being defended by linings of non-absorbent material with a perfectly smooth inner surface, preferably porcelain; these to be always accessible for thorough cleansing at the will of the housekeeper; avoidance of cesspools when possible; and in opposition to the craze for so-called "modern conveniences" in every part of the house, the restricting of all appliances which must in any way be connected with sewer-pipes to a limited, and, if possible, separately constructed portion of the dwelling exclusively appropriated to these purposes.

I am happy to report that these important recommendations have taken a strong hold upon the public mind and are being largely adopted, not only in the construction of new buildings, but in the rearrangement of older ones. The most important question now under discussion in connection with house-drainage, is that relating to the separate ventilation of each trap on the waste-pipes. This is required by many of the public health authorities. Its efficiency, and even its propriety, have always been doubted by some and defended by other leading sanitarians. Experiments recently made by Mr. J. Pickering Putnam, in Boston, seem to justify, in a very marked way, the opposition to the method. There are various points arising in the discussion which are important. Some of them are less clearly established than others. *One which is* clearly established would seem to warrant the *condemnation* of the practice. This is the fact that the current of air produced in the vicinity of the trap by a thorough ventilation, leads to the rapid evaporation of the sealing water, so that even if the ventilation were a reliable preventive of siphonage, the breaking of the trap by evaporation, unless in constant use, would seem to be assured.

In the houses of the wealthier classes there is too much luxury and elaborateness of furnishing and ornamentation, and sanitary precautions are made to give way to the multiplied artificialities of existences. Our civilization is becoming overdone. The tendency should now be toward greater simplicity.

A noted physician of New York, in recognition of this fact, has caused his house to be refurnished, and has, so far as possible, substituted polished surfaces, both in floors and furnishing fabrics, instead of the dust and germ-secreting carpets and upholstery, which he has discarded. Also any appliance which prevents the free ingress of sun and air into every part of the house during at least a portion of the day, he most rigorously condemns as a potent enemy to health. The custom of surrounding dwellings too closely with trees and shubbery (seen in village and country homes especially) is a most pernicious one, and in these damp and sunless rooms it is no wonder that phthisis, rheumatism, and malaria find a fertile atmosphere for their development. Another source of nervousness and lowered vitality in connection with insufficient ventilation, is the extreme degree to which our houses.

places of business, theatres, churches, hotels, and railroad cars are overheated in winter. A newly arrived foreigner, unaccustomed to this seven-times heated atmosphere, finds it almost irrespirable, and in addition to his discomfort, great embarrassment to health results. This custom alone is sufficient to prevent Americans from ever becoming a robust people.

The recent action of the Legislature of New York in passing a bill by which a commission was appointed to inquire into the condition of the tenement-house population, is significant in that it shows a powerfully awakened interest in this most important subject. The necessity for interference lies in the fact that disease and its offspring, drunkenness, degradation, vice, and crime, are engendered and propagated in these environments.

The faulty conditions are: 1, improper buildings with small sunless and unventilated rooms; 2, inadequate and faultily-arranged appliances for the disposal of waste products of the house and person; 3, failure of the tenants, from lack of intelligence or inclination, to comply with sanitary rules and precautions; 4, overcrowding. The condition of New York City in these respects may be taken as an extreme illustration of that of other large American cities.

Thinking that some of the published accounts which I had seen might be sensational in character, I procured the services of a policeman, and with a gentleman also interested in sanitary matters, made a careful inspection of a large number of tenements on Elizabeth, Mulberry, and the neighboring streets. There are no words which are adequate to describe these places. Every sense must contribute to form an impression, which once received, can never be forgotten. We first visited what are called "The Big Flats," on Elizabeth street. (These were the best of all the places which we saw, and yet a more bitter satire upon "Home, Sweet Home" could not well be imagined.) In a large proportion of the rooms, the sleeping-rooms of the suites, there is no means of ventilation, and a ray of sunshine has never touched the blackened walls, which a dimly burning match revealed covered with dampness and vegetable organisms. The air was thick with decaying filth and its products. The portions of the building where waste and excreta were, or should have been disposed of, were literally reeking, above and below, with what seemed the accumulation of

years, and yet we were gravely told that the place was cleaned (?) daily by the janitor. This building is occupied by nearly fifteen hundred human beings. As our guide proceeded we found ourselves in an ever-descending scale of poverty, squalor, and wretchedness. The noisome air of the small, dimly lighted, and unkept rooms was rivalled by that of the court-yards, where the masses of garbage, tossed recklessly in every direction, were made sodden by slops, water from the hydrants, and streams of excreta pouring unhindered from the dilapidated structure which occupied one extremity of the yard, destined for the common use of the occupants of both front and rear tenements. Here were homes without bed, chair, table, or other furniture than a battered stove and a few benches. Men and women, many of them stupid with drink, and swarms of pale, sickly, prematurely old, and neglected children filled every available space.

The first impression produced by this sudden opening of a world of horror, a city of desolation and doom in a city of grandeur and pride and prosperity, was one of despair, and I said in my heart, "All hope abandon ye who enter here!" These people can never be educated or induced to comply with any rules which are necessary to decent and healthful living. Degraded, drunken, hopeless beyond compare, they are a fixed fact, a necessary component of the city's mass. As a centre of moral and physical miasm they must remain, and that they may be cared for in the various exigencies of life the bulk of the enormous charities of the city must be expended; while through the many avenues by which our daily life goes on we must share the contaminations engendered here. Happily, others more hopeful than I have been, are bravely meeting some of the difficulties which to me seem insuperable, and their efforts are already crowned with the most gratifying results. Their work, though only a beginning in the right way, is an index of what might be accomplished by bringing to bear a greater degree of influence, interest, and assistance.

The sanitary dwellings, arranged and conducted by Mr. Henry E. Pellw (Improved Dwellings Association), in New York City, and of Mr. Alfred T. White (Improved Dwellings for Laboring Classes), in Brooklyn, have met with unqualified success. Mr. White says: "While the buildings are yet too new to allow any very close predictions as to the exact ultimate death-rate, it has so far not exceeded fifteen in the thousand per annum,

against an average of over thirty 'in the old style of tenement-houses.'*

The general oversight exercised by the "New York Association for Improving the Condition of the Poor," by its organized methods of tenement-house inspection and the reporting of defects, has done valuable service. The reform which has more *especially reached the lowest class* of tenement-house population is that begun by Mrs. N. Miles, upon the plan of Miss Octavia Hill's work in London. It is now being carried on by Miss O. H. Dow, and a similar work is being done by Miss Ellen Collins, the latter lady being the owner of the tenements which she controls. The houses are located in the worst neighborhoods on Water, Cherry, and Mulberry streets, but by thorough renovation, disinfection, and improved means of ventilation, together with suitable plumbing, they have been rendered fit for habitation; and under the careful and wise management of these ladies (Miss Dow and her assistant, and Miss Collins and her agent), about two hundred families have been rescued from the deplorable conditions of their former environment and are now living in clean and well-ordered homes. At the time of my visit, August 18th, Miss Dow informed me that of her one hundred and seventy families not a single child was ill, while in the houses in the immediate neighborhood, where the old regime was continued, there was much illness, and children were dying in large numbers.

Some of the remedies for existing evils would seem to be:

1. The construction of a large number of sanitary dwellings for the poor in the suburbs of the city, and in connection with these special arrangements for much cheaper, or free transportation before and after working hours would be needed. (Thus the necessity for overcrowding in the heart of the city would be obviated.)

2. The gradual demolition of old unclean and dilapidated tenements, their places to be taken by dwellings suitable for habitation.

*In London the death-rates in the Improved Industrial Dwellings and the Peabody Fund Buildings have been carefully recorded; these, compared with the general death-rate of the metropolis, are as follows: Improved Industrial Dwellings, in 1877, Death-rate in buildings, 17; in metropolis, 21.9. 1878, Death-rate in buildings, 17.2; in metropolis, 23.5. Peabody Fund Buildings—1880, Death-rate in buildings, 17; in metropolis, 22.20. 1881, Death-rate in buildings, 17.22; in metropolis, 21.20. 1882, Death-rate in buildings, 18.42; in metropolis, 21.40. When we consider that in London as well as here, the death-rate was reduced from 30 to 15, through the occupancy of the sanitary dwellings, and that the proportion of deaths to the cases of illness is as 1 to 25, we may understand how great a saving of life and health is made possible.

3. Renovating and putting into sanitary condition all houses occupied by tenants, and placing them in the care of agents who will, by conscientious and painstaking surveillance, establish a code of good order, decency, and sanitary observances.

4. More careful inspection and rigid enforcement of rules by health boards, including the restrictions against overcrowding.

NOTE:—THE REPORT OF THE NEW YORK TENEMENT-HOUSE COMMISSION submitted to the Legislature, February 17th, 1885, reports 968 tenements inspected, estimates the number of tenement-houses in New York at 26,000, and recommends a registration of tenement statistics. The percentage of deaths in tenements has increased from 51.11 in 1876 to 56.50 in 1884. The percentage would be greater were it not that sick occupants of tenements go to charity hospitals, to which their deaths are credited. In the district known as "the Bend," the mortality of children under five years is over sixty-five per cent. It is recommended that this block be cut through, extending Leonard street to Pell street, removing thus some of the worst tenements. There are 3,000 rear tenements in New York, where is the greatest sickness. Yard spaces should be expanded here, or the buildings should be remodelled.

Frederick M. Owen, Chief Inspector, makes a supplementary report with the following conclusions:

1. There are buildings that should be ordered immediately vacated.
2. The number needing inspection of plumbing is very large.
3. It is impossible to make owners or tenants obey sanitary laws without systematic inspection.
4. Such inspection is impossible with the small force of inspectors of the Health Department, even in its present efficiency.
5. The privy vaults in this city should be condemned.
6. The water-closet is preferable to the school-sink.
7. All water-closets, vaults, and school-sinks in tenement cellars should be removed.
8. Cellars in made ground with tide influence are flooded at high tide.
9. City cellars throughout lack care and cleanliness.
10. The waste of water requires special attention.
11. The majority of bedrooms are without light or air.
12. The darkness of halls conduces to immorality.
13. The location of fire-escapes often exposes to unnecessary danger.
14. The condition of tenants is in advance of that of tenements.
15. Tenants generally appreciate the importance of sanitary measures.
16. That some of the worst tenements contain only three families.
17. That rents are unnecessarily high among the poorer tenements.
18. That illegal crowding is universal among the Polish Jews, Italians, and low Irish.

It is a noteworthy fact that the death-rate is larger as the number of tenants is smaller. The following table shows the total deaths in New York, total in tenements and percentages,—

	Total Deaths.	Total in Tenements.	Per Cent.
1880	38,866	17,677	45
1881	38,609	21,171	55
1882	37,951	20,690	55
1883	33,982	18,359	54
1884	35,044	19,801	56½

In the upper part of the city fifty per cent. of the tenements were built before 1881, in the middle part sixty-six to eighty per cent., and in the lower wards ninety-eight per cent. The sanitary condition of the older houses has greatly improved in the past five years. The chief obstacles in the way of improving tenements are carelessness of tenants, indifference of landlords, difficulty in finding owners, non-residence of owners, mortgages, disposition of agents to do mere patchwork, etc. The Commission concludes its report with the draft of an elaborate series of amendments to the powers of the New York Health Department.

The Papers of the Social Economy Department were but two in number, one of which, *Hebrew Charities*, was printed in Part I. The Paper of Mr. SHEPARD, on *Civil Service in States and Cities*, is here extended by a Note to May 1, 1885.

THE EXTENSION OF REFORM METHODS TO THE CIVIL
SERVICE OF STATES AND CITIES.

BY EDWARD M. SHEPARD, ESQ., OF BROOKLYN, N. Y.

(Read Friday, September 12, 1884.)

The reform of the American civil service runs the same course which the constitution of modern society prescribes for all political reforms. First came mere observation of phenomena of corruption and incompetence in subordinate official life. Very little and not very careful search was made for the efficient cause of these phenomena. During many years, popular teachers and humorists attacked and derided the scandals. Picturesque observers, like Trollope and Dickens, wounded Americans of a former generation by their superficial accuracy in trifling matters, far more than by their crass blindness to the tremendous and enduring work then going on before their eyes, work which, for the time, left little vital strength to perfect the details of economic and efficient administration. These thoughtless critics of a painfully self-conscious people fancied such scandals to be normal fruit of democracy and of the American character. Even De Tocqueville, among his many broad and interesting generalizations, some just and some singularly inapt, when he touched the matter of official dishonor in America, found nothing better to say than that in democracies statesmen were poor and had their fortunes to make. The intensity of party feeling was by many wise men believed to be the cause. It is only during our time that educated men, in the second stage of the reform, the investigating or philosophic stage, reached a nearly unanimous opinion that these abuses were no essential part of American and democratic life, but that their cause lay in the removal of fit men from business places under the government, and in the appointment of other men for political or personal reasons, and not for fitness. After the serious dangers of administrative corruption and incompetence had become widely known and appreciated, and after their cause had been once found, the next and third stage in the reform was the discovery and application of the remedy. It is the current stage. It has about it neither the sentimental nor the philosophic interest which attended the two

earlier parts of the journey. But it is a vital part, and, indeed, the crown of the work. It is suited, in its sober and laborious detail, to the steady north light of administrative reform, into which American politics have at last come, after sixty years of moral and sentimental excitement. We Americans are now doing no less a thing than the reconstruction of our political frame-work. I dare hardly say that this work transcends in importance, even for the present, all other social work. But I confidently assert that in the domain of practical politics in America it is now the most critical, the most enduring, the most fruitful work. It needs patient thoroughness in the treatment of those forms in which alone can be made manifest the essential and operative virtue of a sound political principle. It needs a mastery alike of the details and of the dominant motives of administration. It needs that true statesmanship, whose imagination does not indeed shrink from new procedure and untried forms, but whose sincere devotion to a lofty ideal attends with humility the usages and practical sense of unlettered citizens.

It is, perhaps, well to recall at the outset that the first wish of civil service reformers was not construction but prevention. Competitive examination, and the restraints at the point of admission to the public service, were not supposed to be in themselves the best, or, indeed, even satisfactory devices for the selection of public servants. They were rather thought to be the only practical measures susceptible of systematic application. The reformers did not fancy they had found new and better methods for choosing servants of the great corporate employers of labor, of which the government is the greatest. The constant and unreasonable changes in business places under political administration oppressed the reformers with a vivid and terrible prevision of the growth of political abuses. These changes were to them the evil. Their aim and even their hope, therefore, were simply to prevent unjust removals. They attacked the odious and contemptible superstition about "rotation in office;" and under their attack, warmly cherished as the superstition was, and still is, by the older school of politicians, it proved incapable of explicit and rational defence. A comparatively slight agitation was therefore able to give an impetus which cannot be stayed, to the antagonist of this superstition—the "merit system." And by the "merit system" I here mean the system under which an officer is retained so long as he

does his work well. This idea has made great strides toward popularity; and its complete hold on the popular sympathy is not far off. Most of us will see every dexterous and selfish politician its professed supporter.

As soon as public sentiment had put some checks on the removal of business servants of the Government, while they faithfully and efficiently performed their duties, the reformers made, however, an unpleasant discovery. It turned out that restraints upon the removal of good servants frequently became in practice restraints upon the removal of bad servants. It was perceived to be a serious blow at the unity and efficiency of executive service to compel a superior to retain a subordinate whom he disliked. Some of our popular institutions, and some, indeed, which I believe to be essential to our national life, doubtless now and then placed in power unworthy superiors. This, however, was an insufficient reason for reversing the rule, so agreeable to common sense, that a superior should find no personal obstacle to the ready control of his subordinates or to their willing and ample service.

This lesson was very quickly learned by the reformers. They ceased to advocate restraints upon the power of removal. Their sole desire was still, however, some constraint of superior officers. But improper removals, they came to think, could be best prevented by the destruction of two powerful and perennial motives, from which the very best men in public life have not been and are not now altogether free. These motives were the wish to gain or keep political prestige through the power of giving livelihood to large numbers of men, and through the hope, fear and respect which that mere power created; and the wish to gratify a personal liking of the candidate or of his friends. Neither of these motives it must be admitted, was in itself, sordid or otherwise despicable. And, indeed, other motives which one is compelled to believe were both sordid and despicable have sometimes influenced men clothed with great power. The reformers proposed to prevent the operation of such motives, whether the motives were honorable or not, by depriving the superior officer, upon a removal, of the power of selecting the successor, — leaving to him only the right to prescribe the general qualifications for the place to be filled. This obviously meant the application of impersonal tests by a body different from the appointing officer. These tests, it was soon

found, if they were really impersonal, constituted an open competitive examination. There could, indeed, be no other impersonal test. For, in the very idea of an impersonal test was involved the condition that every person without preference should be admitted to the test.

It ought to be noticed that there was elsewhere ample evidence that the mere irremovability of efficient subordinates did not produce efficiency of service. In Great Britain, before the reform of the civil service, such irremovability had practically existed. But the motives to unfit appointment were quite as potent there, to say the least, as they have ever been here. The scandals of British administration in the Crimean war gave public sentiment in Great Britain a shock which largely brought success to civil service agitation. And we are told that "the concurrent testimony of a number of civil servants of the largest experience, given before the Russian war" was "that the civil administrative departments were rendered insecure by corrupt parliamentary and political patronage, and by being the 'sinks towards which the scum and refuse' of boroughs habitually gravitates."* In America the scandals in removals were added to the scandals in appointments; and both produced the conviction that an impersonal test must be established for admission to business places in the public service. From the necessity of the case, as I have said, this test became open competitive examination. And this test was adopted, not because it was intrinsically a good test, but because it was thought to be the only available test.

The other restraints proposed by reformers to be placed upon an appointing officer were either a qualifying examination of a single candidate named by him, or a limited competition among several candidates also named by the appointing officer. The qualifying or "pass" examination is a part of the present reform system in the state administration of New York, and was adopted from English administration, where it has largely prevailed. It was until recently a main part of the civil service systems of the cities of New York and Brooklyn; and is still retained, or has been recently adopted by the other cities of New York State. Its motto is *detur digno*. If the man be simply worthy of the place, why should the superior not be at liberty to appoint him, though there be indeed better men seeking the place? In a fine scorn of

*Journal of Statistical Society (1858), vol. 21, p. 18.

the survival of the fittest, so distinguished a public servant and so accomplished a man of letters as Sir James Stephens, less than thirty years ago, seriously advocated the claims to public preferment of "mediocrity and dulness." Patronage, he considered, ought to be used in some sort as a refuge of the weak and helpless. Justice, he seemed to think, required that better men seeking appointment should sometimes (and presumably often) be excluded in order that inferior men might be appointed.* It is a curious and ancient delusion that public places are gratuities, to be fairly distributed, instead of being entitled to the best talent and character which are willing to take them. The decay to which these "pass" examinations are inevitably subject I shall refer to hereafter.

The system of competition between a limited number of persons selected by the superior has seemed to some a reasonable compromise. It has been used in Great Britain, and is now in a few cases theoretically admissible in the federal service, and in the services of New York State. It has recently been abolished with the "pass" examination in New York City and Brooklyn. I am not aware that it has, at least to any extent, been employed in the United States. Its motto is *detur digniori*. It proceeds upon the theory that admission to even a possibility of appointment ought to flow from the personal favor of the superior. The open competitive system has however the still nobler motto, *detur dignissimo*. It assumes that the public service, maintained, as it is, by the labor of the people at large, who do not hold office, and intended, as it is, to do their work, ought to exist for their benefit only, and ought in bare justice, therefore, to have the best talent and the highest character which are tendered it. And if there be such a thing as a right to public employment, that right, it assumes, first belongs to the most worthy.

Reformers had always urged that public employment should, in its conditions, be assimilated to private employment. Here, however, curiously arose an inconsistency. For in private employment competitive examinations were very rare. In seeking to make public service like private service it was strangely enough proposed to use in the former a test unknown to the latter. A private employer relies largely on his own ability to detect skill and competence, and to read character in other men, and to accurately

*Westm. Review (1855), vol. 7 (N. S.) p. 460.

weigh the value of testimonials brought by candidates from those who know them. Theoretically, it might seem that the head of a public office ought to do likewise, if public service and private service be put under the same conditions. The answer to this is, of course, that the self-interest of the private employer furnishes him with a sufficient motive to decide as correctly as he can ; and that lamentable experience has shown that self-interest is very apt with public officers to operate in the opposite way. The desire to perform well the public business is too often overcome by the monstrous appetite to play the part of a terrestrial demi-god, a fount of life and honor to numerous worshippers, or the more innocent and kindly wish to serve friends, or the less demoralizing and some times half noble desire to serve a political party or strengthen some great political cause by the use of patronage. For in a political party, it ought to be observed, that the continuous life, the past with its traditions, the future with its hopes and fears and the loyalty to the party, almost like a personal loyalty, as it is, make a substitute for public opinion, or indeed a true part of public opinion ; and as such powerfully restrain most public officers. If it had not been for all these, indeed, America might to-day be in too serious a plight to even discuss the reforms with which we are here concerned.

The inconsistency was, however, only apparent. The real assimilation proposed by the American reformers of public to private employment was to make improper removals as rare in the former as in the latter ; and only the means of accomplishing this end needed to be different, — and that because of the differences between the motives of private employers and those of superiors in public service. The reformers may now, however, I believe, go further — and insist that the open competitive test is intrinsically a good test for any employment on a large scale, public or private. It was with much apology that reformers adopted it. Native force, the power to direct men and other forms of human vitality, it was assumed, could not be satisfactorily measured. The apology was, as I have said, that no other practical test was safe ; that, imperfect as the test was, the conditions of public life permitted nothing better. This apology you will find in English discussion until quite recently. And so, in America, we have with much timidity tried competition, chiefly in clerical positions, but have more than doubted whether it could be safely used elsewhere.

I desire in this paper to present the intrinsic merit of the open competitive examination. Even if the motives and the moral resolution of the appointing officer be ideally perfect, is not open competition absolutely the best test known to us, whether for government or for any other large employment? And is not this test applicable to mechanical and executive as well as clerical places, or those requiring scholastic qualifications? Is it not better than the average personal judgment of any single man, exercised as it must be, in comparative haste and with comparatively little system or thoroughness?

This is indeed the question practically presented upon the extension of reform methods to American cities — an extension which is probably the most important administrative reform now being effected in America. The question arises indeed in the federal and state reforms; but its chief importance is in municipal reform. I do not of course mean that the problem of reform is essentially different in cities from the same problem in the federal government. But in the latter service, clerical and like positions, to which the competitive test has hitherto been deemed peculiarly appropriate, though many thousands in number, are largely massed in certain great offices, having at least fifty employees. These were formally the chief centres of corrupting patronage; and all of them have been subjected to the civil service regulations. The military and naval service have a system of their own; and are measurably free from partisan interference. The remaining federal offices, those not properly political, are scattered in very small groups over the land or in foreign countries. Abuses of patronage are not so obvious in them as they were in the clerical positions I have mentioned. In cities, however, the clerical places are predominant neither in reality nor in appearance. The mechanical, executive and supervisory places are quite as formidably grouped. One need mention only the public works departments of American cities to recall conspicuous and scandalous abuses in municipal places not of a clerical nature, abuses which have lately existed, even if they do not still remain. If in cities, therefore, the open competitive test be applied only to clerical positions, but a small part of the evils are reached. Grosser abuses and more serious dangers are left untouched. The lodgment of the reform in the clerical force is, besides, comparatively so slight that the reform does not readily extend itself; and from want of adequate fortification it is itself in no little danger of perishing.

The civil service of a city must indeed be taken as a whole, and as such must be robustly treated. But a large municipal service includes very many distinct classes of positions, which may be roughly grouped as police, fire, clerical, mechanical, supervisory, and executive. In Brooklyn, for instance, there have been established nearly fifty distinct classes for separate competitive examinations, each class being subdivided into grades. To how many of these positions the competitive test can be wisely applied is the great question in the present stage of civil service reform. And in the answer to this question will appear the intrinsic merit of that test.

A brief narrative of the recent progress of reform in States and cities will not be irrelevant to this question. Within four months after the enactment of the federal civil service law, which had been secured by the popular utterance in the elections of 1882, the legislature of New York passed the first civil service law enacted in any American state. At the end of the session of the legislature of 1883, and after the reform had many slights and little progress, and when the older reformers had given up hope, a very small number of young men, active in their differing party sympathies, but holding no official place, accomplished with a good deal of impetuosity what had seemed hopeless. This they were enabled to do through the sagacious vigor and parliamentary skill of the speaker of the assembly and the well known sympathy of the governor. The prestige which the political party controlling both the branches of the legislature had gotten from its victories in November, 1882, had seemed, from experience, a serious obstacle in the way of reform. But experience was, as it often can be, reversed. I refer to these matters to warn against the despondency and executive helplessness into which reformers are too apt to fall when their arguments and rhetoric seem to be under the defeat of mere apathy. Under the New York law, the governor appointed an admirable commission, which, in signal illustration of the spirit of the law, selected as chief examiner, a member of the minority party in state politics, one who had in another place most successfully applied the reform methods.

This law distinctly declared the true test to be open competition, as did the federal law, and as the British House of Commons had done by its famous resolution in 1857. This test was to be employed, according to the New York and federal laws as far "as

the conditions of good administration will warrant." The New York law reached, after excepting political and important executive positions, and also nurses and attendants in asylums and hospitals and day workmen, about nine hundred places in the civil service of New York. This service does not, however, include places in the city and county services, which are far more numerous. Under the regulations promulgated upon the advice of the state commission by the governor under this law, there were, of the nine hundred places subject to the law, about sixty excepted from examination, as being confidential or requiring special executive gifts or involving peculiar trust. About two hundred and fifty places were to be filled, as before, by appointment; but the appointment was subject to the qualifying examinations of which I have already spoken, or the appointing officers could, if they pleased, open them to limited or open competition. In these places, however, no actual competition has, I believe, yet been permitted. The remaining six hundred and fifty places could be filled solely by open competition. There are, besides the nine hundred places I have mentioned, perhaps one thousand nurses and attendants in hospitals and asylums, who, under civil service regulations, must pass a qualifying examination. These regulations, affecting as they did nearly two thousand places, were a very great step; and their moderation was a proof of the wisdom of the Commission. For even in social science associations, it will not be forgotten that the introduction of a great change in political administration must be tentative, keeping well within intelligent public support and sympathy. If the municipal experiments just inaugurated in New York and Brooklyn have the ample success which they promise, I believe the state commission will, at no distant time, transfer to the competitive schedule the greater number, if not indeed all, of the seventeen hundred places now subject at most to a qualifying examination.

In the spring of 1884, a year after this step was taken in New York, Massachusetts followed. A general law was enacted, under which regulations are to be prepared affecting both the state and municipal administrations. A bill for the reform of the state service was also introduced in Maryland, but it did not become a law. The political capacity of Americans is such that we may be fairly sure that in that and other states, the reform will be adopted with reasonable rapidity.

In the New York law of 1883, there was inserted a clause permitting the mayors of cities, having 50,000 inhabitants or more, to prescribe for their cities civil service regulations. This was done with little expectation of large immediate result; but in the hope that the permission might bring about wholesome municipal agitation. There were only seven cities whose mayors could exercise this power; and where the power existed, the law excepted from its exercise the police, health, fire, educational and law departments—departments which included by far the greater part of the municipal service. The mayors of the largest three cities of the state, New York, Brooklyn and Buffalo, deserve honorable distinction for promptly establishing civil service regulations under this law. The mayors of Albany, Troy, Rochester and Syracuse did not afford their cities this benefit. The regulations of New York, Brooklyn and Buffalo were modelled upon those of the state, making the competitive test compulsory only for clerical and like positions. The municipal experiments thus partially tried were so successful that within a few months the friends of the reform were able to procure from the legislature of 1884, a law compelling the mayors of all the cities of the state to establish civil service rules, from which should be excepted only the educational departments and a few officers of high rank or who had the keeping of money.

The practical application of this New York law of 1884 has barely begun;* but I do not hesitate to pronounce it the most critical piece of political administration now before us. It is nothing less than a vital and organic charge. It is being wrought out indeed with much prosaic talk and elaboration of detail, and in a half pedagogic atmosphere. It attracts, therefore, little public attention, which, from even thoughtful men, goes rather to the more obvious and striking political changes and those in which some personal element is involved. This law, however, applies to twenty-five cities having about half, or 2,500,000 of the 5,000,000 people of the state; spending annually between \$35,000,000 and \$40,000,000, while the state spends but \$8,000,000; and having a civil service probably seven times as numerous as that of the state. Materially as the misgovernment and waste in these cities have been lessened in late years, it cannot be denied that when the practical effect of these laws began the other day,

* See Note at end of this Paper.

the political and personal abuse of patronage was very great. This abuse has indeed been by no means absent from the very best governed of the New York cities—oftentimes in spite of the sincerest and most intelligent efforts of their mayors. To reverse within a year municipal traditions as old as the century in the most populous, the richest, and, politically, by far the most powerful American state, to drive out of American politics the most dangerous single corruption, these are achievements we did not dare hope for so soon, and whose import for good is hardly less than tremendous. The change would be great, even if in these twenty-five cities, the competitive test were applied only to clerical and like positions, and the remainder were merely subjected to the qualifying examination. But the regulations prescribed in the summer of 1884, first by Brooklyn and then by New York, have not only, as the law directed, extended the reform methods to all municipal departments except the educational. They have besides in those great cities carried the competitive test vastly further than was a year ago fancied to be possible; they have carried it not only beyond the regulations of the federal and state services, but far beyond the practice prevailing in Great Britain or probably in any civilized nation. They have, indeed, abandoned any other test for admission to the offices set within the operation of the civil service law. This extension of competition is, however, neither hasty nor inconsiderate. It proceeds from a clear recognition that no lesser reform will sufficiently meet the evils of municipal patronage. So great a change, transcending as it does the experience of foreign communities that are still veterans to us in the work, is, I believe, of the highest sociological interest. I shall not, therefore, apologize for a brief account of the very fruitful experience which, in Brooklyn, led to the extension; for in Brooklyn the extension was first proposed.

The offices subject to the law of 1883 were, in Brooklyn, divided into competitive and non-competitive—the former including clerical and like positions, and the latter including positions of so-called “special qualifications,” inspectors, engineers, foremen, and many others.

As to the latter, the option was with the appointing officer, either to nominate, subject to the approval of the examiners, upon a special examination of the nominee, or to open the appointment to a competitive examination, which might, as the appointing officer

directed, be open or be limited to certain persons whom he named. The appointing officer not unnaturally exercised his prerogative of nominating a particular person to the examiners, leaving to the latter the mere duty of categorically answering the question, "Is the candidate fit?" The English experience of these "pass" examinations had not been very promising. Of their civil service administration it was said, in 1858: "In the system of pass examinations, rejections are extremely rare, however frequent may be the failure of the strict or due proof of qualifications for being intrusted with the care of the lives and limbs of the population. The general avowal I have met with is to the effect, 'One feels it to be a serious injury to a family to reject a candidate on whose education they have spent much money, and one cannot help being indulgent.' It cannot be expected that much lenience will not prevail in favor of the parties present, at the expense of the unknown and absent public."*

Pass examinations had been provided for in the federal civil service many years before the Pendleton law of 1883; but they had become the merest forms long before the passage of that law provided much more efficient machinery. The embarrassments in the application of the qualifying examination in the municipal service were, however, far greater. The mere inconvenience of a separate examination for every appointee was a serious objection, unless the municipal examiners were, like the federal commissioners, to be continually employed. But the chief, and probably an insuperable objection, was the tendency of the qualifying examination to become perfunctory. A body like the United States or British commission, constantly engaged in its work, deals with so large a number of candidates that it can reach a standard of sufficient attainment. It is far removed from most of the appointing officers, few of whom are personally known to its members; and the latter come through ample and varied experience to rate, and doubtless to rate justly, their own knowledge of the qualities needed in the appointee, quite as highly as that of the appointing officer. Such a body may (although in practice it probably does not) answer the inquiry, "Is the man fit?" without an undue inclination to return an affirmative. But municipal examiners, in mere qualifying examinations from time to time of single individuals proposed for any given kind of place, cannot

* Journal of Statist. Soc. (1858), vol. 21, p. 18.

usually obtain the experience, or the range of men necessary to the establishment of a just standard. If the appointing officer, responsible as he is for the work in his office, says that A is one of the very sort of subordinates he requires, municipal examiners, knowing of course, far less of the work of the office than its head, will most reluctantly pronounce the appointee incompetent. After an examination of fifty men to say that one of them, A, has done the worst, requires no moral courage; simply because somebody in the nature of the case must be graded lowest, and because to place A at the foot is no harder than to place B or C there. If A complain, the examiners have the approval of at least the other forty-nine candidates. But if A, after painfully gathering together the varied weapons of influence and favor, at last overcome the appointing officer, and then come to the examiners, the case is very different. If they reject him he is injured and humiliated, and no particular person is benefitted. The great public is, of course, inattentive, and it is a contest between the examiners and the candidate, in which the latter has the good will of everybody. If he fail he ought doubtless to attribute his fate to his incompetence. But this, neither he nor his friends nor very possibly the public will do. And then the appointing officer is pretty sure to feel affronted. The examiners have declared his judgment bad in a matter relating to his own department. Etiquette and prudence prevent the examiners in many cases, where they might justly do it, from pointing out to him that he really ought not to be affronted,—because he made the appointment, as he knows, for personal or political reasons and not for fitness, whereas the examiners have considered fitness alone. It is quite idle to say that examiners ought to be firm and courageous and to ignore personal and other considerations like these. We have to deal with actual and not with ideal human beings. The personal element cannot be eliminated. The Brooklyn examiners were unwilling, therefore, to continue the “pass” examinations, and urged the Mayor for that reason, if for no other, to extend open competition as far as was prudent, and as to places where competition could not wisely be tried, to leave the appointing officers an undivided responsibility.

At the same time a curious and wholesome criticism of the reform system came from its enemies. They said that this or that appointment, made upon a qualifying examination, was a piece of favoritism. To this the reformers replied: “Perhaps it is. But

for this reform, however, all appointments would be pieces of favoritism; and now your complaint is not of any result of the reform, but is of one of the cases in which the reform does not operate and in which the very abuse you have supported, and now support, is preserved. If you will help the reform to reach the abuse, the favoritism of which you complain will no longer exist." But this defence, complete as it is, did not avail. These critics, not unnaturally, grouped all these procedures together, and regarded, and often quite honestly, every appointment upon a qualifying examination as a proof that the system was a pretence.

Under these two immediate motives the mayor and examiners of Brooklyn turned to the competitive test in the hope that some places, not clerical, might be brought within it. The examiners were permitted to try the test with inspectors of buildings, and with success. These officers required technical knowledge as masons or builders; and there was, therefore, neither practical nor theoretical difficulty in grading them according to that knowledge. It was not an unsafe assumption that practical thoroughness in inspecting would generally run with technical knowledge of the work to be inspected. Other like examinations followed, and with the same success. Of these the examination of candidates for foremen of gangs of laborers upon street repairs was a crucial test of competition, whose success, leading, as it largely did, to the extension of competition I am discussing, deserves a brief account. The proposal to competitively examine these foremen roused great opposition; and was generally pronounced unpractical, if not absurd. The sincerest friends of the reform doubted and even distrusted so extreme an application. Innate force, vigor of will, the ability to make other men work, were the real qualifications of a foreman. And how could these be detected by scholastic questioning? The technical requirements, it was said, were too slight and vague to be subjects of examination. The general reply was the statement of the *rationale* of a complete competition, which I shall by-and-by present. The large opportunity of abuse in precisely these places, it was further replied, made competition there eminently necessary. The very difficulty of formulating and measuring the merits of so subordinate an officer as a foreman, it was pointed out, made the places peculiarly open to political and personal scandals. The defects of a bad foreman were not so obvious as to be readily drawn to the public

attention. For this reason and because the foremen were necessarily close to masses of voters, these places were very dear to "political workers" and easily open to abuse.

The present mayor of Brooklyn*, with the devotion to fair and open methods, and the liberal, yet prudent courage, which are so natural to him and to which reform owes so great a debt, resolved at least to try the experiment. The competition was held with a success which surprised those who had been averse to even an experiment; and surpassed the hopes of those by whom it had been proposed. The men were graded: first, upon their own account of themselves, their occupation and experience; next, upon their knowledge of the requirements of their work, the necessary tools, the number of men who could be worked together, the manner of laying paving stones, and like matters; and finally, but to a much less degree, upon simple arithmetic and writing, to show a general intelligence sufficient to enable them to make daily reports. The examiners, it ought to be noticed, were new to the work and had no precedents or traditions to guide them. But the conclusions they were enabled to reach were so nearly accurate that the department concerned, though it had viewed the experiment with much more than apprehension, admitted its success. The department knew most of the men; and so far as it knew them, the examination had substantially graded them in the order of their merit as shown by the actual work they had formerly done.

The result, therefore, of this examination, and of like examinations for inspectors of plumbing, street inspectors, sewer inspectors, levellers, rodmen and watchmen, showed that open competition was no less satisfactory a test for varied and special positions than for the clerical positions to which it had been formerly deemed chiefly applicable. After these successes, such was the admirable temper of the Brooklyn administration, that the heads of the departments subject to the law, although not so required by the mayor's regulations, surrendered nearly all positions to open competition. And open competition was in practice the rule in Brooklyn when the New York law of 1884 went into operation as to cities on 29th August last. In no other community, as far as I know, had it been so completely established.

Agreeably to this experience, and early in July, 1884, a sketch was made of regulations to be applied under the law of 1884 to

*Seth Low.

all the departments of Brooklyn except the educational. These regulations proposed an almost universal application of the competitive test. On the 28th July they were submitted to the state commission, which, for wise reasons of uniformity, are given the power to disapprove municipal regulation. After an attentive and thorough consideration by that commission, the regulations were approved and promulgated late in August. About the same time the new regulations for New York City, under the same law of 1884, were published. These were drawn by Everett P. Wheeler, E. L. Godkin and E. Randolph Robinson, at the request of the mayor of New York; and form an admirable and thorough code for the selection of civil servants, some of whose skilfully devised detail is not elsewhere to be found. In treating the police and fire departments, whose treatment is at best involved in many difficulties, they followed the interesting report made by Edward Cary, and others of the Civil Service Reform Association of New York. This report clearly presented in theory an important and probably novel conclusion which the authors, so far as I know, had reached independently, but which had already been practically adopted in Brooklyn. This conclusion was that physical qualifications, general character and experience might be matters of competitive examination to be marked for the grading of candidates, precisely as literary qualifications are marked. The new regulations for New York and Brooklyn subject to open competition the civil services of those cities excepting important officers, heads of bureaus, persons in confidential positions or having the custody of money, employees of the educational department and of the board of aldermen and laborers. Omitting chief executive officers, day laborers and employees of the boards of aldermen and education, the excepted positions in New York are, I believe, less than 150 in number, and in Brooklyn about 60. The new regulations open to free competition in New York probably about 6,000 positions, and in Brooklyn about 1,800. For a few months, under the limited regulations adopted under the law of 1883, about 350 clerical positions in the two cities had indeed been open to competition, the remainder being still within the conditions of patronage. But a year ago its spoils included, at this great centre of American life, all of these 7,000 places, now happily subjected to free competition.

I have ventured to be tedious in describing this great step. This detail ought to be recorded; and the narrative cannot well be made vivid. It is indeed the sort of dull and quiet procedure in which are so often effected profound and far-reaching political changes. How serious is the change will be obvious upon very slight consideration. The shameless pecuniary corruption in New York City, which years ago was proverbial the world over, was in large part created and preserved by patronage which is now abolished. The grosser forms of corruption have, in later years, it ought frankly to be said, largely disappeared. The superior and inferior municipal service of New York have recently had and now have very many intelligent and upright officials. But patronage has remained a seriously demoralizing and debasing influence. Nor has the influence of New York patronage been confined to that city. Appointments to its civil service have been distributed throughout the state, even if they did not go into other states, in order to secure legislative or executive influence. Federal politics, but little less than state politics, have been swayed to and fro by the exigencies of the manipulators of this patronage, controlling by it, as they have been supposed to do, compact masses of voters, of critical moment in state and federal elections. And as the public life of that great city has been far more conspicuous than that of any other American community, so the moral evil of its example has been wider and more potent.

You will not, therefore, think the speaker magnifies his theme when I rate so highly the importance of the transfer of seven thousand offices at the very centre of the nation's public life and public opinion from the domain of personal and partisan favoritism to the field of open and impersonal merit. These places are probably half as numerous as the places now under the operation of the federal civil service law. The money annually paid to those who fill them is not probably greatly less, and so compact and disciplined a body have been these urban office-holders, in the midst of the heterogeneous and shifting population of New York, that their direct and immediate political effect has probably at times been far greater than that of all the federal officers affected by the Pendleton law. It may, I believe, be said with sobriety, that within the present generation, if there be excepted the abolition of slavery, the solidification of the federal union, the extension of the suffrage and the resumption of specie payments, no single

political change has been so vital and so full of beneficent promise as this almost complete establishment in these great cities of open competition. It is, as John Stuart Mill said in 1855, of the proposal to establish open competitive examinations in the English service, "one of those great public improvements, the adoption of which would form an era in history."

Such, then, has been the fruition in the federal government in the great states of New York and Massachusetts, and in their cities, of an agitation only about seventeen years old. In the most important single arena of the contest, open competition, the real crown of the reform, has been carried further than in Great Britain thirty years after the establishment of the first British civil service commission. Without having an accurate knowledge of the civil service of other lands, and without daring to prophesy with certainty what will be the practical results of civil service administration in the cities of New York and Brooklyn, I do venture to doubt whether any other municipality in the world now has a wiser, more complete, or more scientific code regulating admission to its civil service than those cities.

I said some time ago that the great question now left to civil service reformers in American cities is upon the merit of the open competitive test. Is it intrinsically the best, or is it a mere make-shift from which we shall seek to escape as soon as existing dangers seem to permit? Upon this most serious inquiry I had intended to make the chief part of this address. But I have found so much to say upon what was meant to be preliminary, that I shall be content with an outline of the ample discussion I had intended. Open competition is simply a new subdivision of labor. The selection of civil servants is itself a kind of work in which those who do it will grow more and more expert through especial study of the peculiar problems attending the work, and through steady and systematic attention to the details of its performance. There is the same fatuous resistance to this specialization that there has been to the division of mechanical and commercial labor. There is the same thoughtless praise of an untrained and disorderly exercise of common sense, as something mysteriously better than the trained and orderly exercise of common sense. A superior, busy with other matters, from which his attention must be diverted to select a new subordinate, under every temptation, as he is, to give the slightest possible consideration to an occa-

sional task which interrupts his ordinary and familiar duties, has, it is believed, in this as in nothing else, an extraordinary and subtle power of finding out human nature. His keen insight, a sort of fancied "mind reading," discovers the character and ability of a candidate in a few moments desultory conversation with him, and from the brief testimony of others, testimony which is rarely scrutinized with thoroughness. This is a mere superstition. And the superstition feeds upon the vanity which almost every man cherishes, that he has an exceptionally trustworthy genius for reading at a glance the faces, the bearing and the manners of men. The blunders which the wisest of men continually make in their estimates of acquaintances, or even friends, the accounts we read every day in the newspapers of the amazement felt by private and public employers at the suddenly discovered dishonesty of their cashiers, book-keepers, confidential servants, the common over-estimate which we, who look disinterestedly at our neighbors' affairs, perceive to be made of the ability of men by those very close to them—all these show how largely imaginary is the accuracy of mental perception supposed to exist in an extraordinary degree between employer and employee.

The fact is, that in general, when a superior selects a subordinate, he simply does a piece of work in which he is not expert. He is too apt to reach a generalization, which, to use Mr. Galton's expression in the "Fortnightly Review" for August, 1883, "is nothing more than a muddle of vague memories of inexact observations." As with all work about which everybody knows at least a little, there is rarely, of course, the obvious and utter failure of an unlettered man who attempts to read a dead language or solve the problem of an eclipse. But failures are still common; and as soon as there comes to be an order of employers, made highly expert, as the new civil service rules contemplate, and with whose work may be compared the work of ordinary untrained employers, we shall find that failures have been vastly more common than we supposed.

There are, indeed, rare instances like Napoleon, or some modern railway organizers, where an amazing and almost incomprehensible rapidity and sureness of mental instinct do, in the selection of subordinates, what, in other instances, can be done only by trained ability acting in the light of experience. But, in the conduct of employment, it is as absurd to act upon these exceptions as it

would be, upon the career of Benjamin Franklin, to advise scientific aspirants to avoid formal scientific training, and to engage in the pursuits of the editor and the publicist. The heads of governmental departments, of municipal and great corporate bureaus are rarely geniuses; and to obtain the best results, system and a scientific attention to details are essential aids to that mediocrity of practical ability which is almost universal, and upon the assumption of which the rules of administration must proceed. It ought to go without saying that where the employer does not have, as very few employers have, an extraordinary gift for detecting ability and virtue, it is not possible that he should do the work of selecting employees with the success with which it will be done by men chosen for their aptitude for the work, men who enter upon a special training in its performance, men who by experience acquire a facility in detecting imposture, and learn how to read the exterior signs of ability.

This would not, I fancy, be disputed, but for three assumptions: (1) that the selection of subordinates is an essential part of the duty of the director of an executive work; (2) that the selection of a subordinate can be done well only by one who is practically and immediately engaged in the work to which the subordinate is to be called; and (3) that no examination can measure vital energy and good sense, which, after all, mainly determine the efficiency of any official. From these assumptions, arise the opinions of very many friends of reform, who assent to the competitive test as no more than the best practical device to prevent the operation of dangerous or improper motives upon the appointing officer.

These assumptions I believe to be ill-founded. It is not an essential part of a superior's duty to select in the first instance, his business subordinates, though it be afterwards indeed an essential part of his duty to determine whether the work be well done, and in that determination, necessarily to measure the merit of those subordinates. The reform methods are therefore far more important upon admission to the civil service than for promotion within the service. An important officer usually needs, of course, the confidential services and advice of some one having with him a personal sympathy, with whom he can readily and agreeably confer, who is eager for the personal prestige of the chief which will arise from official success, and who shares his own views of administration. This assistant is a private secretary or deputy. But

as to the other subordinates, those whose work is regular and of one kind, whatever the policy of the office, — to select these in the first instance, is a burden to the chief. It is a serious waste of his vital force and efficiency, to leave the executive work which he and his subordinates ought to do, and attend to the utterly different work of weighing evidence about the merits of men, none of whom are now serving him. If the main work of his office be, as it should be, important and engrossing, his experience in the first choice of subordinates can have been but irregular and subsidiary to other labors; and the attention he can spare to it will, at best, be only desultory and unsystematic. There is probably no important executive, in political or private life, who does not bitterly complain of both the personal burden and the interference with his normal duties caused by the appointment of inferiors, and of the serious difficulty he has in finding suitable assistance. What the head of an office needs in the performance of executive or creative work is to have disciplined force supplied him, as fuel, water and machinery are supplied an engineer. The engineer can, indeed, measure and care for those necessities after they are given him; but he cannot advantageously be diverted to the finding of water or fuel, or to superintend the construction of the machinery. The skilled workman may often, doubtless with advantage, prescribe the general design of the tools he uses; but he wisely pays for the skill and labor of the manufacturer and dealer who make and find the precise tools he wants far better and more easily than he can. These tools are made by men who do nothing but make tools, and whose time is not consumed in using them. They will, therefore, be made with a pains and under a guaranty, and in the light of tests and experience, which the busy workman cannot use, unless indeed, he leave his own work.

Nor is it true that the original selection of a subordinate ought to be done by a man practically and immediately participating in the work which the subordinate is to do. In a large number, if not indeed in much the greater number of cases, the superior, whether in public or private service, does not so participate. He judges of the workman by the value of his work, as you do of your cook by the dinner she serves, or as you do of a music teacher by the performance of his competent pupils, and not by his own. But beyond this, it is to be noticed that a civil service examination is not designed to, and cannot measure the merit of the work which

the candidate does in his place, and which must be done after the examination. Such an estimate must be based upon observation of the work through a sufficient period of time. That observation, in the nature of the case, belongs to the superior. To permit that very observation, civil service rules make original appointments simply probationary. The final appointment is the act of the superior done after abundant opportunity to observe the ability of the probationer in actual performance, without the superior being himself diverted from or disturbed in his own work during the process of observation. And to give complete effect to the judgment of the superior he ought generally to retain under proper rules, a complete power of dismissal, even after the probationary period has expired. The duty of civil service examiners, on the other hand, is not to observe and measure actual work done in the position sought. It is the very different duty of weighing such evidence as can be at once and briefly presented upon the question whether the candidate be likely in the future to do the work. It is the question whether he, or another person shall be admitted to the final and determining test of some actual performance of the duties of the office. And in this final and decisive examination, the superior must be the sole examiner and judge. This, indeed, is the true qualifying or "pass" examination, to which, in the very nature of the case, only one candidate can be admitted.

It is also to be said that the places now under discussion are of a conventional type, places in which is required a sort of skill and training which numbers of men in the community possess. How far his character and experience in a well known kind of work are shown by the candidate's own account of himself and others' account of him, and by the partial and hasty performance possible in an examination,—intelligent men, aided when necessary, by experts, can judge as well as the head of a bureau. They will, indeed, judge much better. For in the very work of the examination, as I have pointed out, the examiners experienced in precisely such examinations, will be experts, applying their tests with a facility, thoroughness and scientific accuracy possible only to those who have been trained to that sort of work.

The third and most popular objection to competitive examinations is, that they do not reach the native force, the staying quality or endurance of men, and their practical tact and dexterity. I shall frankly admit that an examination of a candidate, such as

the exigencies of the public service permit, does not adequately reach these qualities. They can be reached only by his actual trial for a sufficient length of time in the very place to be filled. Hence the necessity of a probation; hence the reservation to the superior of the final decision and of the power of dismissal. If these qualities cannot be adequately reached by a civil service examination, still less, and far indeed less, can they be reached by the vague, careless and hasty tests applied under the old system of personal appointment. But a competitive examination can reach these qualities, if not conclusively, yet with a good degree of accuracy. The objection that this is not done by a competitive examination chiefly arises from faulty conduct of the examination, or from the limited and imperfect ideal of a competitive examination which has until very recently existed. Such an examination is commonly but erroneously fancied to be purely literary, a mere series of formal written tasks. May I not therefore, as the closing part of this discussion, outline what seems to me to be a complete competitive examination, an examination which measurably reaches the vital qualities of the candidate?

A competitive examination for the public service ought, as I have already intimated, to test the candidates in all the points which are deemed material in private employment. If a man you have not personally known apply to you for a position, your judgment of him, if you be careful and thorough, will be formed upon five considerations:

1. The man's general and spontaneous account of himself. You question him about his occupation and his experience. The substance, the fulness, detail and frankness of his replies all produce upon you an impression which largely colors your estimate of the other evidence you have of him.

2. The man's reputation. This usually and justly, and especially where the man applies for a place requiring experience, has great weight.

3. His appearance in respect of physical ability.

4. His exhibition of general intelligence.

5. His exhibition of practical and immediate knowledge of the kind of service he is to do for you.

There is occasionally, perhaps, apart from these, a certain subtle fancy of face or of bearing which influences the employer. But what is imagined to be a mysterious inclination of personal

liking is ordinarily resolvable into the results of the man's own account of himself, his physical appearance and his exhibition of general intelligence. Where some of these results do not determine the fancy, it is apt to be a caprice, wrong perhaps quite as often as right, and too inappreciable to be deemed a main factor in the conduct of private employment, or to be worthy of a generalization.

These, then, are the five elements which enter more or less consciously and distinctly into the consideration of a private employer. The relative weight to be given to them will of course vary for different positions. But it goes without saying that no intelligent man employs a servant, however humble or however important, while regarding with absolute indifference either the servant's own account of himself, or his neighbors' account of him, or the appearance in him of general intelligence or of physical or technical ability. If the servant is to do the lowest order of physical work, you may indeed be content with mere physique; but if the candidates have equal or nearly equal physique, you will do unwisely not to take the candidate who gives the best account of himself, or about whom other people give the best account, or who shows the most general intelligence or knowledge of the work he is to do. If the work be of a highly intellectual and technical character, and in general and technical knowledge the candidates be alike, you are sure to be influenced by superiority in the candidates' own presentation of their merits or in their reputation or even in their physical strength. You do, indeed, sometimes overlook serious deficiency in one or more or most of these elements because of superiority in others. Or because you can get no better help, and because you must have some help, even if it be unfit, you may take a servant who has none of these elements in a proper degree. In either case, however, what you do is done in spite, and not because of a deficiency in any of these elements.

You will, I hope, observe that the five points I mention are not absolute qualities of the candidate. They are merely five kinds of evidence. And it cannot be too much accented that the act of either public or private employment proceeds in the first instance not upon actual performance but upon evidence of what the performance is likely to be. The retention or promotion of the servant on the other hand proceeds upon actual performance. In other words, the preliminary employment, whether public or

private, proceeds upon examination ; and the question is at best what shall be the nature of an examination which in some form or other is an inevitable preliminary to employment. Shall it be the occasional task of a private employer, called to it from his regular work, done hastily, with impatience, with no accurately recorded traditions to guide him, reaching his result by a sort of guess-work, which is very rough at the best, sheerly dependent upon a particular kind of mental keenness and facility, and often unconsciously vitiated by personal caprice and momentary temper? Or shall it be the task of examiners, whose number greatly reduces the personal element, who use the results of the recorded observation of themselves and other examiners upon the same matter, who use the results of their observation of the careers of men actually appointed upon examination, showing, as those careers will, what is better and what is worse evidence, on the moment, of what will be the future performance,—who use the results of their experience in ranking one element higher and another lower, and who use a skill and experience which only practice brings, in detecting shams and superficial acquirements?

Now, a true and scientific competitive examination will seek, as I have said, to do what an intelligent private employer seeks to do, but can do less perfectly. The competitive examinations will be directed therefore to the five sources of information I have mentioned. It is said, however, that although general information and technical knowledge in those branches whose learning is formulated, may be tested by competitive examination, the same test cannot be used for technical ability in other branches, for character, experience, physique. This is an error. The school or college examination is the popular ideal of a civil service test. And it is, indeed, the type of most civil examinations in the past. One sees in the annual reports of the British civil service commission, a formidable array of questions in Greek, Latin, Hindoo, history, literature, political economy and the higher mathematics. All of this may, indeed, be a part, and for many places it ought to be the chief part of the examination. I admit, and indeed insist, that this test by academic interrogation often exhibits the vital energy, the readiness and industry of the candidates, those chief qualities which indeed bring success in any field of work. But it is, after all, a partial and imperfect examination, very properly open to criticism even in positions for which clerical ability and

learning are the chief requirements, and totally inadequate for a great class of positions, which ought to be, and in New York and Brooklyn now are, brought within the competitive test. The true civil service examination distinctly touches all of the five sorts of evidence I have mentioned. This I can better show by describing the competitive examination contemplated by the new regulations of New York and Brooklyn, and such as have been practically tried in the latter city.

The candidate is first required to state his own case. He is asked about his occupation, past and present, and his own ideas of his equipment for the place he seeks. He is asked where, when and by whom he has been employed, why he left his employment, and why he now seeks a new employment. He is asked his experience, if any, in the precise kind of work to be done, and the times, places and auspices under which this experience was attained. His answers to the questions constitute his "experience paper." This paper is marked as you might mark a paper in Greek prosody. A weight is given to the paper relative to the rest of the examination, according to the nature of the position. The ability to properly present his case, to be presumed in an applicant for the particular position, is carefully regarded. This part of the examination is strictly analogous to the testimony an applicant himself gives when he comes to your office for employment, — testimony by which every wise employer is materially affected. Two objections can be made to this. Some men are cleverer than others in stating their merits, and some men may intentionally falsify the facts. These objections have, however, precisely the same, and no more force in public than they have in private employment. Safeguards may be as thorough in the former as in the latter. The opportunities for detecting mere skilfulness or unskilfulness of form or positive imposture, in a carefully conducted competition are very considerable. The provisions for punishing deceit are ample, or can be made so. And the errors which will arise in either case, will be either eliminated or reduced to a minimum by the remainder of the examination, by the testimony of other men, by the exhibition of general intelligence or technical knowledge, or by the more obvious evidence of physique.

The candidate, as the next part of his examination, presents his testimonials. These are marked and graded, the relative weight given them in comparison with the rest of the examination, being

of course, determined by the position. For watchmen, for instance, this part of the examination has very great weight. Testimonials, it ought to be said, are required as a condition of admission to the general examination. But as these preliminary certificates may easily be perfunctory, or even worse, their authors are sought out and required to answer a series of written questions which should avoid the categorical form and be made as searching as possible. With an adequate machinery for the civil service system, it will be practicable to adopt the further improvement of having the examiners orally interrogate the authors of the testimonials, their replies being stenographically taken and recorded. The statements thus gotten constitute the examination of the candidate's "reputation." These statements are marked and graded. The objection that this procedure gives advantage to the man who has many friends, or to the man whose friends are astute in the form of their statement or mendacious in its substance, are again objections quite as applicable to private as to public employment. These are inherent difficulties in every effort to obtain information about men. No rational system can be devised in which merit that is known will not have an advantage over merit that is unknown. The skill and experience of the examiners in scrutinizing testimonials, their power of examining other witnesses, and the results of the other branches of the examination all afford reasonable checks against errors.

The third matter of examination is the physique of the candidate. Mere proofs of generally sound health would, perhaps, be sufficient for many places — like ordinary clerkships. As no one is admitted to any examination, unless preliminary proof of this kind be submitted, physique need not, in such cases, be the subject of ranking or grading. Theoretically, indeed, in every place, although the work be purely mental, a preference between healthy men ought to be given to the stronger, as presumably capable of more endurance, even in mental work. We may, perhaps, come to this in the future, with ampler machinery and a more vigorous popular support. This would, perhaps, be a fair revenge upon us lean, feeble and decayed *doctrinaires*. In places like policemen, watchmen and firemen, physique, however, is one of the most important elements. This part of the examination affords comparatively little opportunity for deception; it is, of course, conducted by experts, and can be made the subject of reasonably accurate grading.

That physique can be satisfactorily rated is admirably pointed out in the report of the Civil Service Association of New York, about the police and fire departments of that city. "There have been developed," that report says, "largely by the intelligent labors of Prof. D. A. Sargent,* of the Hemenway Gymnasium, of Harvard University, a simple, practical and scientific system, which brings out clearly the general physical capacity of the man examined, together with his special points of superiority or deficiency. The direct examination consists of a series of body measurements, taken after a uniform plan, and a corresponding test of each of the parts measured, as nearly as possible. The strength of lungs, back, chest, legs and arms is taken by means of ingenious but simple spirometers and dynamometers, made for the purpose, and carefully adjusted. The sums of the tests for strength are then compared with the sums of the measurements of developments of the corresponding parts. What a man can do, is thus contrasted with what he ought to be able to do, and the ratio between the two fixes his relative standing." Without, however, so careful and minute an examination, it has been found perfectly practicable in Brooklyn upon a competition for watchmen, for the physician expert to grade the candidates. "Pass examinations" in physique, are, of course, universally known in the military, naval and police services, and in life insurance. In these a minimum is fixed. But, where a minimum can be fixed, a further grading is practicable. Indeed, the numerical expression of physical merit is probably easier than a like expression of the merit of scholastic knowledge.

The fourth test is some exhibition by the candidate of his general intelligence. This rouses, perhaps, more jealousy than any of the other tests. It is a jealousy, however, ill founded, or which arises, not from the mere requirement of such a test, but from needless faults in its application. There is no calling which does not have some exterior relations, superiority in which gives advantage of efficiency in the calling itself. To every place in business, to every specific work, to every specific income, each community unconsciously assigns a rough amount of general intelligence as appropriate, if not necessary. If a man do not have that intelligence there arises, to say the least, considerable doubt of his ability to fill the place, or do the work or earn the income. This will hardly be disputed. It is doubtless conceivable that a

* Chairman of the Health Department.

man may be an expert and useful book-keeper and yet believe the United States to be a kingdom. It is possible that a good inspector of plumbing may think that London is the chief city of Persia. Yet, if in a man who seeks to be a book-keeper or a plumbing inspector of good rank and entitled to a liberal salary, we discover ignorance so great, we justly enough suspect some mental defect, some failure of adjustment to environment which may be a serious obstacle to the continuously efficient performance of work in which he must act with or over men, however unrelated the work may be to the political constitution of the land or to the sites of famous cities. For no occupation is isolated. The competency of the humblest day laborer depends in part upon his ability to meet those unusual emergencies which sometimes arise in even his calling, and need intelligence he does not ordinarily use. His competency depends in part upon the respect in which his associate laborers hold him; and that respect is largely measured, as every observing person must have noticed, by their estimate of their comrade's general information. In some occupations this consideration will, of course, weigh much less than in others. It is of slight moment in a farm-laborer. It is of real importance in a policeman. It may possibly be the chief requisite in a foreign consul.

There is, besides, a further consideration, which is by itself worth an ample discussion; but which I may now only touch. General intelligence, misleading as it sometimes is, affords the easiest, and on the whole, a pretty sure proof of mental power. Such intelligence, when it successfully meets a series of distinct and varied inquiries, itself probably comes from alert powers of observation, from precision of attention and from mental readiness, adaptability, persistence. To have these qualities in a good degree, if it do not perfectly equip a man for the immediate performance of very technical duties, still gives reasonable assurance that the especial duties of most ordinary positions will be easily learned. General intelligence and general force are often, indeed, far more important than actual experience. The value of experience in most places is enormously overrated. The heads of bureaus, who in the days of patronage had no supreme concern for experience, are apt now-a-days to insist upon it very strenuously to civil service examiners. It may well be that the mere fact that after long experience in doing a particular work a candi-

date seeks a position to do the same work, itself shows his ability or vitality to be of a low order, so low indeed that he gives no promise of growth or improvement. And in employing men for many junior places in the civil service, if the service is to gain a permanent character, it ought to find those who are likely to earn a promotion. The civil service ought never to be, as under most reputable administrations it has to some extent been in the past, an asylum for either incompetence or decay.

The fifth and last division of a complete competition is the examination of the practical knowledge the candidate has of those things necessary to the work he seeks. The importance of this goes without saying. Every one believes, where the place needs some particular knowledge which cannot be gained in very brief practice by a man of proper general intelligence, that such knowledge should be a chief subject of the examination. The popular mistake has indeed been in attributing an almost exclusive importance to this element. The error is doubtless largely responsible for the belief, but lately so general, that competition could not be extended to places not needing a technical and formulated knowledge. In the selection of a scientific expert this element of the examination ought doubtless to have great preponderance. But if candidates for policemen, watchmen, firemen have proper physique, character and general intelligence, they may be safely trusted to learn in those places facility in their especial duties.

Such, then, are the five divisions of an examination. Such is the true competition to which all candidates for the business places under government ought to be admitted, and by superiority in which alone they ought to succeed to the final test of a probationary performance of the duties of those places. Such is the fair and impersonal field now open in place of the secret and narrow lane of personal and partisan favoritism.

There will not come to this reform, however, a complete and immediate triumph. The prejudices surviving from the favoritism of the past, the suspicion that civil service commissioners and examiners are, in spite of the lofty ideas they preach, like all appointees of political officers—the slowness with which a new device becomes known and trusted—all these will, for a time, prevent many of the best men from entering for the examinations. And then much will be said against the reform with apparent

reason. The friction and disarrangement, and the embarrassment of the public service, which inevitably attend the inauguration of every great administrative change, will be said, with more or less honesty, to be a permanently necessary result of open competition. The mistakes of examiners new to the work and without the help of recorded experience and of those traditions, which it will be their duty to accumulate—these faults will again and again be attributed to the reform itself. The new work will doubtless now and then be discredited by the open hostility, or, what is worse, the secret hostility, of executive officers. Unfit appointments will occasionally come out of open competition, for the plain reason that the test, though better than any other preliminary test we know, is still, like other human devices, imperfect. Every unfit appointment, however rare, will be widely told of as the natural fruit of the reform. The blunders of the old patronage, though ten times as numerous and ten times as serious, having drifted into the vague and obscure past, will be forgotten by every mournful *laudator temporis acti*. The nine out of ten candidates who fail of success will no longer abuse the appointing officers as they used to do; and as the publicity of the examinations and of their reasons will shield the examiners, they will be sorely tempted to abuse the reform itself. But in spite of all this, so plain is the justice of open competition, so shining and solid its merits, so persistent to final triumph is the common sense of American politics, that popular support, rarely active and rarely zealous as it is in things of this kind, will grow steadily stronger and broader. We shall, before long, see every wise politician pronounce open competition a political axiom.

When there is reached that complete establishment, which some of us will live to see, of open competition for all offices, not essentially political, in the United States and in their various communities, the secondary results of the reform will doubtless be far greater than the primary results. Official places will come to be more scientifically classed, and their duties better divided, through the generalizations necessary to the arrangement of competitions. The compensations of officers doing the same work will not, as now, capriciously vary in different departments within the same city. The temptation will disappear to unnecessarily employ new subordinates, and to treat those already employed with undue indulgence. The motives of executives to economy of

administration will become keener. Official prestige, a wholesome *esprit du corps*, and a higher standard of honor and efficiency among public servants themselves will arise. On the other hand a wise jealousy on the part of the people will be better directed towards public officers as public servants, who have no other right to their places than in the faithful doing of their duties. All these things will soon follow the reform. And when 125,000 officers throughout the United States are selected by fair and open tests, which stimulate to the highest order of excellence, the effect, by example and by contrast, will, it is not unreasonable to think, be prodigious even upon private employments,—first, upon the great corporate organizations and then upon the smaller staffs of merchants, bankers, manufacturers. A higher standard of competence and character for every service will be set up in the community.

This gathering regards, however, with intelligent anxiety wider and deeper social problems than even efficiency and honor in the *personnel* of the public service. Last, therefore, and to you doubtless chiefest, is the effect upon greater matters of the withdrawal from politics of patronage, so often the chief though false element of political agitation. Here is the richest promise, here the most abiding splendor of the reform. Taxation, rights of persons and property, the prevention of crime, the punishment of criminals, the treatment of those whose crimes are normal fruit of social wrongs, the removal of legal restraints upon innocent freedom, the ampler performance by government of the constructive functions which higher civilization brings,—all these are questions lying near us in the future, questions which, to reach the practical stage, must become essentially political; but which in politics cannot be treated with sufficient honesty or intelligence until there are beneficently removed from politics the distractions of odious and sordid personal ambition. These are indeed the highest legitimate subjects of legislative discussion and of executive action. But they have been darkened or altogether hid by the enormous part in politics which patronage has played. Now at last they will be heard in primaries as well as in the ostentatious and often insincere utterances of the greater party conventions. The political gatherings of citizens will again find their chief concern in the honest and thoughtful treatment of those great problems, out of whose solution will come the larger, the steadier, the more enduring blessings of the future social life.

NOTE: May, 1885:— Since this paper was read, the work of establishing the reform methods in cities has proceeded with great rapidity in New York and Massachusetts. The fundamental principle that open competition is to be the general test, and that appointment upon a mere pass examination, or without any examination, is to be permitted only for exceptional reasons, has been thoroughly established in most of the cities of New York. The mayors of only a few of its smaller cities have omitted to obey the requirement of the law of 1884, that they prescribe civil service regulations. And the regulations so far adopted have been based in substance upon the thorough and almost sweeping regulations prescribed by the mayors of the cities of New York and Brooklyn, and described in the foregoing paper. The large cities of Buffalo, Albany, Rochester, Syracuse, Troy, and most of the smaller cities, are now guarded by rules which are probably superior to those which govern admission to the civil service of any city not within the State of New York.

These cities have not, of course, worked out the details of administering the reform without many embarrassments and difficulties. Most of the civil service examiners have been new to their work; and the work has been new to their communities. Many honest jealousies, and some dishonest ones, have obstructed the work. The traditions and practice of such a reform are always established slowly and with difficulty. There has been a natural, even if not always a wise, timidity on the part of examiners in fixing the moderately high standard which tends to place the system beyond that contempt of "practical politicians" to which an easy good nature may expose it, and which is far more dangerous than active hatred. The system is rapidly taking deep root in the cities; and, under the protection of the law, that changes in the municipal regulations, which are once established cannot be made without the approval of the State Civil Service Commission, it is reasonably well assured that the changes in administration through which the cities must pass this year and next year, will not endanger the permanence of the system.

Petty efforts have been made in Buffalo, and perhaps in one or two other cities, to cripple the civil service administration by refusing adequate appropriations, but with only trifling success. In the New York legislature, a dangerous effort was made to break the effect of the civil service law by exempting soldiers and sailors of the late war from its operation; the effort failed as it did in Congress, but has been renewed in the legislature of Massachusetts.

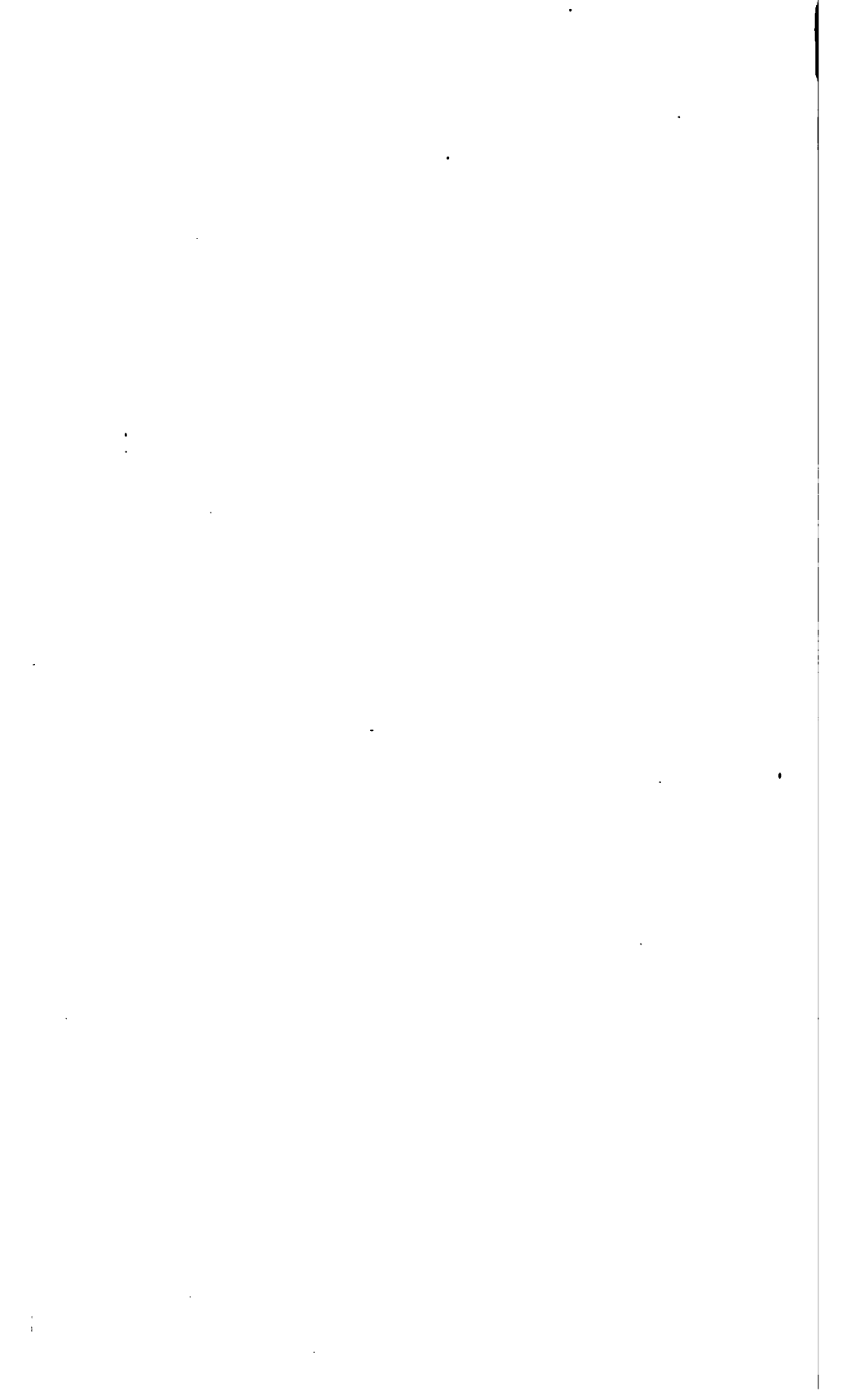
Since the paper was read, the regulations of the civil service commission of the latter State have been promulgated and their administration has actually commenced. They are of great interest as being the first effort to establish rules to prevent political abuses in the employment of day laborers. In other respects, the Massachusetts regulations are more restricted than those of New York, the former applying only to clerks, prison attendants, firemen and policemen. These classes are, however, of very great importance; and it was deemed wise in Massachusetts to commence the reform system with a few general classes. The laborers governed by the Massachusetts regulations are those employed in the public departments of Boston. The civil service commissioners are to gather lists of applicants for these places, with information as to age, dependency of others upon the applicants for support; military or naval service; previous occupation; references and personal description. When a requisition for laborers is received the civil service commission is to send to the department requiring of them the names of twice the number of men required. There is no provision for an examination of the laborers; but, in answering a requisition, the civil service commission is to make "an impartial selection by lot, or otherwise, giving preference, other qualifications being equal, to those who have served in the army or navy of the United States in time of war, and have been honorably discharged therefrom, and to those having families depending upon them for support."

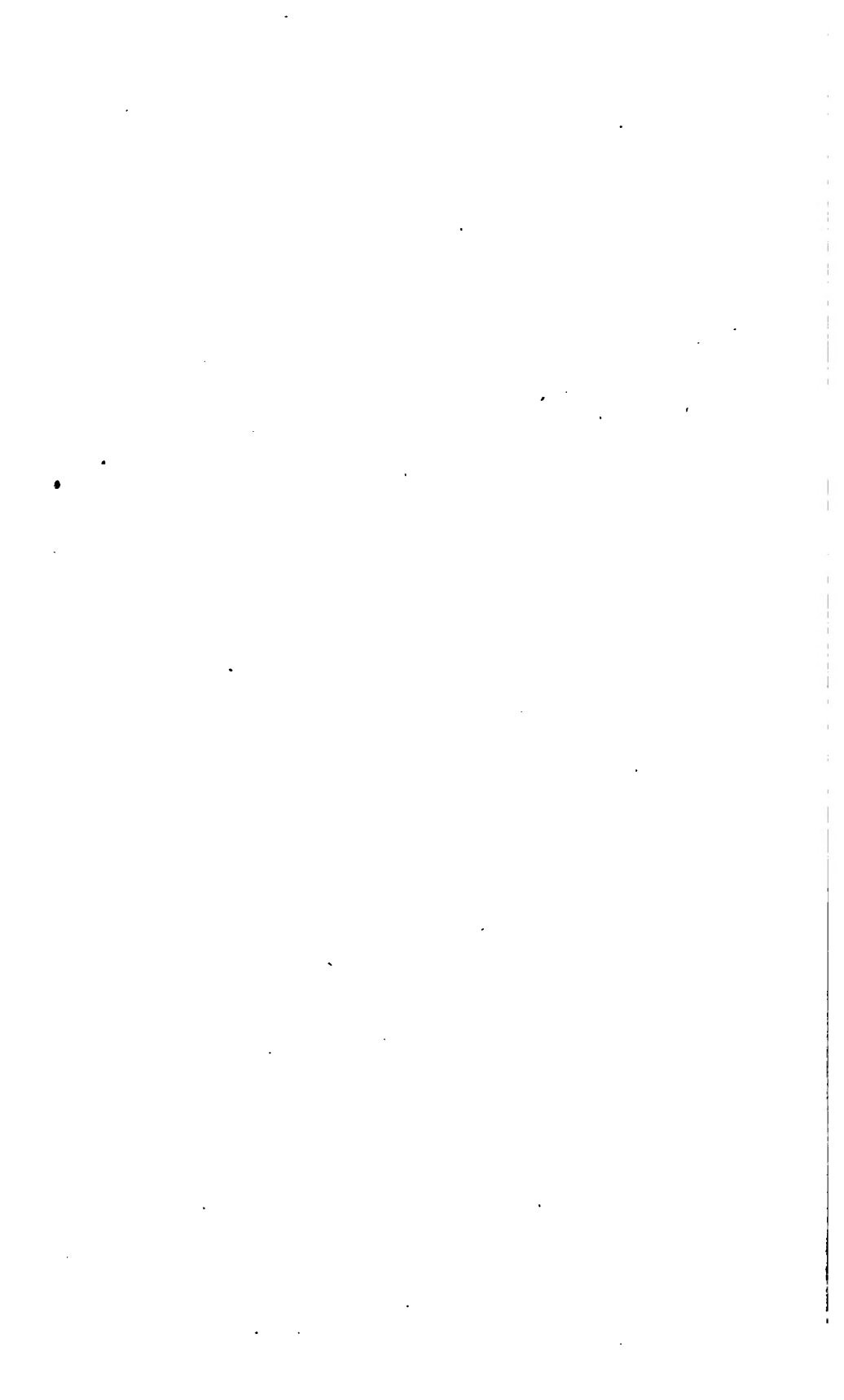
In the "impartial selection by lot, or otherwise," there is a vague grant of power which is perhaps open to criticism. Civil service commissions ought to act upon a strictly impersonal procedure, the terms of which are public and precise. It would not be reform to substitute the mere personal choice of civil service commissioners for the like choice of other political officers. The preference of men with families

looks towards a principle of dubious correctness; but it may, perhaps, be defended as one method of picking out men who have given hostages to society for their steadiness and industry. It is to be hoped that a practicable, and not cumbersome, method may be discovered of grading laborers upon their recommendations and former work and experience.

It will not be improper, as this note becomes part of a record for reference in the future, to point out the surprisingly rapid progress which the reform idea has within a few months made in the nation at large. The party in power has changed. And within three months after the change we find the integrity of the federal civil service statutes and the administration of those laws to be secure beyond even doubt or discussion. More than this, we find established, though still under discussion, the rule that officers appointed for terms shall not be removed during their terms because of political opinions. More than this, we find the general rule rapidly proceeding to establishment that merely administrative officers, although not entitled to specific terms and not protected by the civil service law, shall continue in place if they render faithful service and do not practice partisan abuses. And more even than this, the American executive has commenced to reappoint or to promote administrative officers of high rank, although their political opinions differ from his if they have rendered important services to the public. These reappointments or promotions are still few; public sentiment is barely ripe for the practice; but step after step is being taken which will not be retraced. The chief satisfaction in this does not lie in the behavior of any man, or body of men, but in the permanent advance of public sentiment which has made these steps possible. And at present, it seems almost as important to insist upon the wisdom of not going beyond vigorous and solid public sentiment as upon the necessity of finally refusing to surrender any ground which has already been won.







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